

JOURNAL

OF THE

SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE
FIRST DAY OF NOVEMBER, IN THE YEAR OF OUR LORD 1824,
AND OF THE COMMONWEALTH THE THIRTY-THIRD.

FRANKFORT:

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JOURNAL OF THE SENATE.



AT a meeting of the General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol in the Town of Frankfort, on the first day of November, in the year of our Lord 1824, it being the day fixed upon by law for the meeting of the General Assembly, and the thirty-third year of the Commonwealth of Kentucky.

The Honorable ROBERT E. M'AFEE, the Lieutenant-Governor, appeared and took the Chair, and the following Members of the Senate were present, and took their seats, to wit: From the counties of Cumberland and Monroe, Granville Bowman; from the counties of Allen and Warren, Anack Dawson; from the counties of Butler, Grayson and Muhlenberg, William Worthington; from the counties of Hickman, Calloway, Livingston and Caldwell, Chittenden Lyon; from the counties of Trigg, Christian and Todd, Young Ewing; from the county of Jefferson, James W. Denny; from the county of Henry, Charles H. Allen; from the county of Shelby, Samuel W. White; from the county of Washington, Jeroboam Beauchamp; from the counties of Knox, Harlan, Clay, Perry and Whitley, Richard Ballinger; from the county of Nelson, Martin H. Wickliff; from the counties of Boone and Campbell, Thomas D. Carneal; from the counties of Pendleton and Gallatin, John Forsythe; from the county of Harrison, Peter Barrett; from the county of Bourbon, John L. Hickman; from the county of Mason, James Ward; from the county of Clarke, Chilton Allan; from the county of Fayette, Matthews Flournoy.

The following gentlemen produced certificates of their having been duly elected members of the Senate of Kentucky, at the last general election, who took the several oaths of office, as required by law, and thereupon took their seats, to wit: From the county of Barren, Joel Yancey; from the counties of Logan and Simpson, Presley N. O'Bannon; from the counties of Henderson, Hopkins and Union, Francis Lockett; from the counties of Ohio, Daveiss and Breckinridge, Robert Stephens; from the counties of Green and Hart, James Allen; from the counties of Hardin, Bullitt and Meade, James Crutcher; from the county of Mercer, Samuel

Maccoun; from the county of Garrard, John Faulkner; from the counties of Pulaski and Wayne, Martin Beatty; from the counties of Franklin and Owen, Jephthah Dudley; from the county of Scott, Rodes Smith; from the counties of Nicholas and Bracken, Andrew S. Hughes; from the county of Fleming, William B. O'Bannon; from the counties of Montgomery and Estill, Jesse Daniel; from the counties of Woodford and Jessamine, Andrew Muldrow.

The Senate then proceeded to the election of officers; whereupon the following gentlemen were declared by the Speaker, duly elected, to wit: Thomas Chilton, Secretary of the Senate; Anthony Crockett, Sergeant-at-arms, and Littleberry Batchelor, Door-keeper, who severally took the different oaths of office prescribed by law, and thereupon entered into the discharge of the respective duties of their offices.

Ordered, That the Senate appoint an Assistant Clerk; and thereupon David G. Cowan was appointed Assistant Clerk.

A message from the House of Representatives, by Mr. Rowan:

Mr. Speaker—The House of Representatives have formed a quorum, elected their officers, and I am directed to inform the Senate, that they are now ready to proceed to legislative business.

And then he withdrew.

Ordered, That Mr. Crutcher inform the House of Representatives, that the Senate is organized in like manner, and ready to co-operate with them in any legislative duty.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have appointed a committee of six, who will act in concert with a committee on the part of the Senate, to wait on the Governor, and to receive any communication which he may be pleased to make.

And then he withdrew.

Ordered, That Messrs. Ewing, Flournoy and C. H. Allen be appointed a committee on the part of the Senate, and that Mr. C. H. Allen inform the House of Representatives of said appointment.

Mr. Ewing, from the committee appointed to wait on the Governor, reported that they had discharged that duty, and that the Governor would make to the Senate a communication in ten minutes.

Ordered, That the rules of the Senate at the last session, be adopted for the government of the same during the present session, and that 150 copies be printed for the use of the Senate.

A message from the Governor, by Mr. Barry, his Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

And then he withdrew.

Which message was taken up and read as follows:

Gentlemen of the Senate,

and of the House of Representatives,

UNDER the protection of a kind Providence, the representatives of the people are again assembled to exercise one of the highest prerogatives known to freemen. Although, during the last season, sickness has visited some portions of our State, and we have to lament the death of several citizens, yet our country in general has been blessed with its usual degree of health, and our habitations are filled with plenty. In all this, as well as in the preservation and extension of our free institutions, we have abundant cause of gratitude to the Author of all good.

While indulging these feelings, I should be untrue to myself, did I not acknowledge the deep sense of obligation with which I receive the marks of confidence and respect, which were bestowed upon me by my fellow-citizens on a late occasion. It is an obligation which I can only discharge by a faithful and fearless performance of the duties of that high office, which their partiality has entrusted to me. With diffidence in my own powers, but with a full determination to devote them all, such as they are, to the public service, I shall proceed in the discharge of my constitutional functions, relying on your indulgence, and that of my fellow-citizens in general, to pardon errors and overlook imperfections.

Our situation invites you to a circumspect and deliberate review of the laws of the State. Complication of law is always a disadvantage to the community, and favorable only to the artful and designing. To guard the people against violations of the laws, and expensive and vexatious law-suits, it is essential that they be made as concise as possible, and easy of comprehension by the substantial part of the community, the honest and industrious. It is thus only that activity and energy can be infused into the administration of justice, and that public peace and private happiness can be secured and promoted. In connection with these principles, permit me, gentlemen, to call your attention to the present situation of our Execution Laws. Owing in part to legislative enactments induced by the pressure of the times, and in part to the decisions of the Courts, they have become so complicated, that none but lawyers can understand them, and in some cases they are extremely perplexing even to them. Intricacy in the laws of a State, however it may suit the convenience and interest of some, must eventuate in a serious evil to the community. A general revision of the whole system of Execution Laws, and their reduction into one statute, would, it is believed, prevent much difficulty, and in a high degree promote the interest of the people.

The policy of delay laws has been doubted by many. Although it is believed that benefits, in many instances, have resulted from

them; that public calamities have been alleviated; that the debtor has been preserved from ruin, and the creditor secured in the final payment of doubtful debts; yet they are attended with evils in the accumulation of costs, and the multiplication of securities, which will induce a wise legislature to approach them with caution. Happily, our State is no longer in a situation to demand long delays in the collection of debts. By an act of the last session of the general assembly, all debts now contracted are recoverable with a replevin of only three months. Permit me to suggest for your consideration, whether the enormous increase of costs, and the involving of innocent persons as securities, the vortex which has engulfed so many in its ruinous consequences under the present system, does not make it true policy to abolish the three months' replevin, and in lieu thereof grant a stay of execution for three months, or for such time as the legislature may think expedient, giving the judgment, from its rendition, the force of a lien upon the defendant's property.

An inquiry into our present system of Judicature, is worthy of your early attention. It may be questioned, whether the organization of our Circuit Courts is the best calculated to promote the ends of justice, or is most accordant with the spirit of our institutions and the feelings of the people. To vest in one man the power of deciding questions on which the lives of our citizens absolutely depend, or even to give him in many instances a control almost unlimited over their property, has too much the appearance of a remaining germ of monarchy, and ill accords with the principles of our government. Independent of its appearance, and its actual repugnance to republican principles, it is, in many instances, attended with much practical inconvenience. The sickness of a single man, or even of his family, and other causes which prevent his attendance, produce delays which in some instances amount almost to a denial of justice, and always increase the burthens and expences of litigation. Permit me to suggest, whether the ends of justice would not be better consulted, by a return to the former system of Associate Justices, making our Courts consist of one Judge learned in the law and its technicalities, and two others conversant in the principles of justice, but untrammelled with nicely refined technical distinctions.

The wealth of a government is an industrious people, and its strength, their love and respect. By justice and liberality in the acts of the government, it secures the affections of the people, and may at all times draw from them an adequate revenue to meet all the exigencies of society. With a view to an increase in our wealth and strength, permit me to call your attention to the existing laws relative to the sale of the lands below the Tennessee river. From the information I have been able to obtain, as well as from personal observation, I feel justified in saying, that the ex-

existing regulations do not promote the sale of those lands, or the settlement of that section of the country. With the exception of some spots, the lands are poor, and cannot be sold at the minimum price heretofore fixed by the legislature. In addition to this, the good lands are frequently divided by the lines of sections and quarter sections, in such a manner as to render each division unsuitable for a separate farm. Few can afford, at the present price, to buy three or four quarter sections for the purpose of securing, out of parts of them, a small plantation of good land; and thus the land will remain unsold. To obviate these difficulties, and promote the settlement of the country, are objects worthy of the careful attention of the legislature. It is believed these objects may be accomplished by opening a land-office in that country, reducing the minimum price of the land, permitting purchasers to take up one or more quarter sections, and on payment of a part of the purchase money, allowing such credit for the residue, and on such conditions, as the legislature in their wisdom may deem expedient. It is also worthy of consideration, whether those who have settled on the lands, and made them more valuable by their labor, ought not to be allowed a pre-emption to a definite number of acres, on their paying the State price in the manner required of other purchasers.

Our Occupying Claimant Laws, measures in which the State of Kentucky and many individual citizens are deeply interested, together with the decision of the Supreme Court of the United States had thereon, call for the particular attention of the legislature. That decision affects so materially the sovereignty of the State, degrades us so far below the condition of our sister States, and operates such manifest injustice to the *bona fide* occupants of our soil under titles honestly derived from our own or our parent State, that we cannot be said to be a free people, while it hangs over us. The cupidity of speculators has received a new impulse. Land litigation, which has heretofore been the severest scourge that our State has endured, derives new motives from this decision, to push and extend its ravages throughout our land, which, if not checked, will pulsary the efforts of the farmer, and devastate the country. It, therefore, becomes our duty to adopt every peaceful mode of obtaining redress for this violation of our rights, and this breach upon the interest and quiet of our citizens. While we avoid rash measures, it may not be improper to repeat our remonstrances to the Congress of the Union, until our case is fully examined into, and completely understood. Our sister States will, on a thorough examination, see the evils that will inevitably result from sanctioning the dangerous principle of implication on which the decision of the Supreme Court of the United States in relation to our Occupying Claimant Laws, appears to be bottomed, and will give aid in applying the proper corrective, lest

they ultimately fall victims to this monstrous principle, so well calculated to destroy State rights and bring about consolidation. The remonstrance adopted by the General Assembly at its last session, was forwarded to our members of Congress by my predecessor, and promptly laid before that body. Notwithstanding the lateness of the period at which it arrived, and the engrossment of the attention of Congress by other great national questions, it was taken up, and sufficiently discussed to evince that the evil of which we complain has been deeply felt by some of our sister States. It gives me pride and pleasure to say, that the representatives of our parent State, whose immediate interest has been supposed to be hostile to ours on this particular question, with a magnanimity which does them great honor, discarded all local considerations, and nobly sustained the efforts of Kentucky in an attempt to curtail that power which is so rapidly ingulphing the rights of the States. By these circumstances, as well as by our own peculiar interests, we are stimulated to renewed and persevering exertions. It may indeed be worthy of consideration, whether any effectual barrier can be erected against the encroachments of the Federal Court, short of depriving it, by an amendment to the Constitution, of all jurisdiction in cases involving rights to lands. Our State Courts may be made fully competent to the decision of all such controversies; and it may well be contended, that in leaving them to the exclusive jurisdiction of these tribunals, we may provide the surest check to the consolidating spirit which seems to pervade the national authorities. The perpetuation of American liberty depends principally, if not entirely, on having State rights well secured; and as our fellow-citizens cannot rest contented in their present degraded situation, in being deprived of the freedom of legislation over their own soil, it is to be hoped that the subject will not be lost sight of, but that all reasonable measures will be resorted to, in order to produce a re-organization of the Supreme Court, making at least a concurrence of two-thirds of its members necessary in all cases in which State rights are involved, or a curtailment of its power in cases where lands are the subject of controversy.

The condition of the banking institutions, in which the State has so deep an interest, will be made known to you by their annual reports. The defalcation in the revenues of the State, caused by the universal depression in the prices of property, the diminution in the profits arising from the banks, as well as the curtailment of their business, renders it peculiarly expedient that you should enquire whether the expences attending their management may not be materially diminished. While the State ought to pay an adequate compensation for the services rendered, she ought at all times, and especially at the present moment, to avoid all sinecure offices, as well as salaries disproportioned to the duties

which she imposes. In relation to these institutions, if the present plan for winding them up is steadily persevered in, as is ardently hoped and fully believed, their profits and their business will steadily diminish, and that which was at first but an adequate compensation for their managers, must become more than equivalent for the time and labor devoted to their concerns.

The evils that attend the banking system, are multifarious and present themselves in a variety of shapes. As on the one hand, local banks often deceive the public expectation, and inundate the country with a spurious currency, so, on the other, a national bank embodies and concentrates a mass of power, hostile to the state governments, which is eminently dangerous to the existence of our institutions. That bank is the creature of construction and implication, and from its very nature, is calculated to augment its power, in proportion to the length of its duration. It is believed the branches located in Kentucky, possess a power and exert an influence eminently fitted to destroy state rights. Their removal has heretofore been attempted and must still be desirable to all those who wish to maintain our institutions in their purity. However convenient it may be to their debtors, the accumulation of the real property of the country by these agents of the general government, without the consent of the state, which is prohibited by the constitution to that government itself, must be alarming to all those who wish to maintain the dominion of the state over its own soil, and preserve that independence in the local governments, which was one of the principal objects of the national compact, and is believed to be essential to the preservation of liberty. It is the duty of the legislature to protect this government from all extraneous, unconstitutional influence, and I have no doubt, that by taking measures which shall cause the removal of these institutions from the state, they will do much to preserve the purity of our institutions and perpetuate our liberties.

Internal improvements are objects of primary importance, and of the first consideration in all well regulated governments. They give facility to intercourse and activity to commerce. And as Kentucky, from her inland situation, must remain an exporting state, any impediment in her path to the ocean, must necessarily obstruct her progress to wealth and power. New-York has immortalized herself by her grand canal. A navigable communication is now opening between the Delaware and Chesapeake Bays. The attention of our parent state is excited to this great object; and even the national government is about to adopt a general plan which shall pervade and bless the Union. Shall Kentucky rest supine while the whole nation is in activity? A canal around the Falls of the Ohio at Louisville, is but a small object compared with what some of our sister states have accomplished, and yet it is very essential to the interest, not only of a large portion of

Kentucky, but also of the Union. It is hoped that the legislature will in earnest set about providing the means for this undertaking, and will take measures to advance it to a speedy completion. Turnpike roads, extending from commercial points into the interior of the country, would also highly promote the interest of the people, and deserve legislative attention. It is believed that all works of this description should be accomplished by the government, and not vested in private companies. Corporations are governments within a government, with interests distinct from those of the great body of the people, and ought not to be encouraged in a free country. Besides, if there be a profit arising from these improvements, it is not only sound principle, but good policy, that they should be made, and the profits received by the community at large, instead of a few individuals. In this way, one improvement affords the means of entering upon another. The profits of a canal may soon enable the state to make a turnpike; and thus the system may be extended, until every section of the state shall share in the general benefit. But it is wise to begin with that only which can be effected by present means—with the state stock in the Bank of Kentucky. By husbanding the resources of the state, a canal at Louisville and a turnpike from that point through the principal towns to Maysville, may be speedily effected. By the income which these will afford, the system may be extended. When the whole shall be completed, the profits, it is believed, would nearly or entirely relieve the people from the burthen of taxation, and not only support the government, but also build up and maintain many liberal institutions.

It is of the highest importance, that each department of our government should move in the orbit which the constitution has assigned to it, without infringing the rights or powers of either of its co-departments. The representatives of the people are the grand inquest, whose duty it is to ascertain whether the constitutional land marks have been preserved, and if necessary correct all aberrations. To them, therefore, might the question which has agitated the country, relative to the decision of the Court of Appeals, vacating, not the replevin laws only, but denying to the legislature the power of granting relief to the debtor, in any emergency, be properly left. But there are some features in the subject which cannot be passed over in silence by any public functionary, whose duty it is to watch over the rights and sovereignty of the state. It may well be enquired, whether the decision is not founded upon principles of construction only, hitherto unknown to constitutionalist and lawyer; which necessarily employs a process of reasoning acknowledged to be unintelligible to the majority of the people, and which could not, therefore, have entered into their minds while discussing and adopting the constitution. It may be enquired, whether the power denied to the state, in a

mode so objectionable, was not exercised by the elder states who were the original parties to the constitution, prior to, contemporaneously with, and subsequent to the ratification of that instrument as the supreme law of the land, and whether almost every junior state has not followed their example. It may be questioned, whether the exercise of this power, without dispute, from that era to the present moment, ought not to be conclusive evidence of the sense in which the people understood the constitution when they adopted it; whether the practical disregard of this rule of construction, does not expose every right exercised by the state, however universally conceded at this moment, to be overturned hereafter by the notions of Judges, as to what might possibly have been the original meaning of the constitution, or is the technical definition of its words; whether, by this mode of construction, the Judges do not usurp the power of the people, in changing the constitution, and the right of the legislature, in abrogating laws which have been sanctioned from time immemorial, by the voice of the country. These doctrines, in their own import so essentially objectionable, are rendered still more unengaging from the state in which they are invented, and the manner in which they are promulgated. The people of Kentucky, whilst composing a part of the colony of Virginia, subject to the crown of England, in their colonial assemblies, exercised the power of enacting such laws as the Judges have attempted to vacate, and obtained for them even the royal sanction. They retained the power after the declaration of independence, and exercised it without question through all mutations in government down to the present era in our political history. It has sheltered us in embargo and war; has been used to avert the evils of commercial embarrassment; and although liable to be abused, is essential to the welfare of the people, and the existence of government. It is believed that the opinions of the people on this subject, have undergone no change since the constitution was adopted; and if, on investigation, you should find that the judiciary have wandered from their prescribed orbit, I have only to promise my hearty co-operation in any measure calculated to rectify the error, and restore that harmony which is so desirable between the departments of government.

The situation of our Treasury demands the early and efficient attention of the Legislature. Although, when the report of the Commonwealth's Bank shall be received, it may appear that there is little or no actual defalcation; yet it is a subject of serious consideration, whether the government shall be permitted to rely for its support on a source of revenue somewhat precarious, and continually diminishing in the amount of its supply, or whether this essential interest shall be placed on a more certain and permanent basis. It is not my province to suggest the means by which this end can be effected; but you may rely on my co-operation in any measure calculated to improve the condition of the treasury.

The shortness of the period which has elapsed since I came into office, has precluded my obtaining that information which is necessary to exhibit to you the state of the Penitentiary, of the public Hospitals and Seminaries of learning. Whatever may come to my knowledge relative to those institutions, which may seem to be useful to you in the course of your deliberations, shall be cheerfully and promptly submitted.

The scene which is now exhibiting in the eastern states, on the arrival upon our shores, of General La Fayette, the uniform friend of liberal institutions, the early champion of our liberties, and the companion of Washington, is without a parallel in the history of nations, and gives to the friends of liberty in Europe, the pleasing consolation, that, although free institutions have been there for a time suppressed by the power of the Holy Alliance, the fire still burns in America with a pure flame, which cannot fail, in the progress of years, to have a salutary influence on all mankind. I need not tell you with what pleasure I shall accord with any measure adopted by you to honor this distinguished stranger, and swell the volume of a nation's gratitude. Surely he will not fail to visit the new world, which has sprung into existence on this side the Alleghanies since he fought on the Atlantic border, and witness with his own eyes how widely and how rapidly the tree of liberty is extending its branches.

I have much satisfaction in noticing that a view of our state presents us with pleasing proofs of its substantial and increasing prosperity. To a thriving agriculture, has been added a material extension of useful manufactures, and a striking increase of domestic industry. Indeed, the time is fast approaching, when our nation, if not our state, will furnish within itself, all the necessities and comforts of life, in such quality and abundance, that in future emergencies we shall cease to feel the privation of foreign supplies. To this desirable end, it is hoped, the policy of our government will still continue to tend.

Be assured, gentlemen, that nothing shall be wanting on my part, to give facility and dispatch to your proceedings, and enable you at an early day to complete the public business and return to your families and friends.

JOSEPH DESHA.

Frankfort, Nov. 1, 1824.

Ordered, That 1,500 copies of the Governor's message be printed for the use of the Senate.

Ordered, That a committee of propositions and grievances be appointed; and thereupon a committee was appointed, to wit, Messrs. Ewing, Howard, Davidson, Lyon, Dawson, Hickman, Daniel, Mayo and Stephens, and such other members as may choose from time to time to attend; who are to meet and adjourn

from day to day, and to take into consideration all propositions and grievances that may be referred to them from time to time, and report their proceedings, together with their opinion, upon all such subjects, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a committee of privileges and elections be appointed; and thereupon a committee was appointed, consisting of Messrs. Faulkner, Beauchamp, Barrett, Ballinger, Forsythe, Crutcher, W. B. O'Bannon, Wickliff and Selby; who are to meet and adjourn from day to day, and to take under consideration and examine all the returns for the election of Senators to serve in the present General Assembly, and to compare the same with the returns prescribed and required by law. Furthermore, to take into consideration all questions respecting privileges and elections, and report their proceedings and opinion thereon, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a committee for courts of justice be appointed; and thereupon an appointment was made, to wit, Messrs. C. H. Allen, Flournoy, Carneal, C. Allan, Denny, T. Ward and Hughes; who are to meet and adjourn from day to day, and to take into consideration all matters respecting courts of justice, and such other matters in addition thereto, as shall from time to time be referred to them, and report their proceedings and opinion thereon, to the Senate. The said committee will inspect the Journal of the last session, and draw up a statement of such matters as were then depending and undetermined, together with the progress which was made therein; also, to examine what laws have expired since the last session, and such as will expire before the commencement of the ensuing session, and report their opinion and proceedings to the Senate, in relation to such as ought to be revived, and such as ought to be continued longer in force. They shall have power to send for persons and papers, for their information.

Ordered, That a committee of religion be appointed; and thereupon a committee was appointed, consisting of Messrs. Smith, J. Ward, Worthington, White, Maccoun, J. Allen, P. N. O'Bannon, Muldrow and Lockett; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to religion and morality, together with such other matters and things as shall from time to time be referred to them, and report their proceedings and opinion thereon, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a joint committee of enrolments be appointed on the part of the Senate; and thereupon a committee was appointed, consisting of Messrs. Yancey, Beatty, Dudley and Bowman.

And then the Senate adjourned.

TUESDAY, NOVEMBER 2, 1824.

The Senate assembled.

A message from the Governor, by Mr. Barry, his Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

And then he withdrew.

Whereupon the message was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, John H. Rudd, to be commissioned Sheriff of the county of Bracken, in the place of James Armstrong, deceased, to continue in office for and during the balance of the term for which the said Armstrong was commissioned.

JOSEPH DESHA.

November 2d, 1824.

Whereupon it was determined that the rule be dispensed with, in relation to communications laying on the table for one day previous to being acted on, and that the Senate do advise and consent to the appointment aforesaid.

Ordered, That Messrs. Ewing and Smith inform the Governor thereof; which was duly certified.

Leave was given to bring in the following bills, to wit:

On motion of Mr. Hughes—A bill to provide for reporting the decisions of the Court of Appeals.

On motion of Mr. Lockett—A bill to amend the criminal law of this Commonwealth.

On motion of Mr. Denny—A bill to regulate civil proceedings.

On motion of Mr. Dawson—A bill to amend the law appropriating fines and forfeitures in this Commonwealth.

On motion of Mr. Beauchamp—A bill to authorize the giving of judgment bonds and notes.

Messrs. Hughes, Denny, C. H. Allen and Dudley were appointed a committee to draught and bring in the first; Messrs. Lockett, Denny, Flournoy, Hughes, Beauchamp and Dudley, to draught and bring in the second; Messrs. Denny, Yancey, Maccoun and Flournoy, to draught and bring in the third; Messrs. Dawson, J. Allen, White and W. B. O'Bannon, the fourth; and Messrs. Beauchamp, Wickliff and Faulkner, the fifth.

Ordered, That Messrs. J. G. Dana and A. Kendall be permitted to take seats in the Senate Chamber, for the purpose of noting and reporting the proceedings of the Senate.

Mr. Lyon presented the petition of sundry citizens residing west of the Tennessee river, within the boundary of this Common-

wealth, praying that a law may pass changing the minimum price of vacant and unappropriated land in that section of Kentucky, and that certain privileges may be granted to actual settlers, &c. Which petition was received, read, and referred to the committee of propositions and grievances.

The following resolutions were offered by Mr. Ewing, to wit:

Resolved, That so much of the Governor's message as relates to the revision of the Execution Laws, be referred to a committee of _____.

Resolved, That so much of the Governor's message as relates to Internal Improvements, be referred to a committee of _____.

Resolved, That so much of said message as relates to the decision of the Supreme Court of the United States upon the Occupying Claimant Laws, be referred to a committee of _____.

Resolved, That so much of said message as relates to the re-organization of the Judiciary, be referred to a committee of _____.

Resolved, That so much of said message as relates to the Lands west of the Tennessee river, be referred to a committee of _____.

Resolved, That so much of said message as relates to the Currency of the country, be referred to a committee of _____.

Resolved, That the said committees severally have leave to report by bill or otherwise.

After some remarks on the propriety of adopting the foregoing resolutions, it was moved by Mr. Ewing, that the several blanks be filled with the number five; and the question being taken thereon, it was decided in the affirmative, and the resolutions were ordered to lie on the table for the present.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 3, 1824.

The Senate assembled.

The Speaker laid before the Senate a letter from the Auditor of Public Accounts, covering his annual report, which were taken up and read as follows, to wit:

STATE OF KENTUCKY,

Auditor's Office, Frankfort, November 3, 1824.

SIR—You will please to lay before the House over which you preside, the accompanying Statements, from No. 1 to 7, and much oblige yours respectfully,

PORTER CLAY, *Aud. P. A.*

ROBERT B. M'AFEE, Esq.

Lieut. Governor and Speaker of the Senate.

A Statement of Moneys received and paid at the Treasury, during twelve months, ending on, and including the 10th day of October 1824, to wit:

RECEIVED.	
For revenue collectable by Sheriffs, for the year 1817,	580 70
Ditto, for the year 1819,	263 46
Ditto, 1820,	288 12
Ditto, 1821,	1,751 39
Ditto, 1822,	70,629 64
Ditto, 1823,	2,197 72
<hr/>	
Total amount received from Sheriffs,	\$75,711 03
For tax on law process, deeds, seals, &c. from Clerks of the different courts, for tax on seals from the Secretary of State, and for fees received from the Register of the Land-Office,	12,124 28
For Bank Stock fund, to wit: On lands granted under the acts of 1815 and 1820,	6,003 49
Ditto, under the treaty of Tellico,	58 83
Ditto, under the acts of 1795-97 and 1800,	2,858 04
Ditto, under the acts for manufacturing of salt,	20 00—8,940 36
For tax on non-residents' lands,	3,397 28
For purchases of ditto,	67 93
For miscellaneous receipts,	42 44
For dividend on the States' stock in the Bank of Kentucky, for the six months ending the first day of January 1824,	11,934
From the Agent of the Penitentiary,	12,353 32
For the sale of a runaway negro,	562 42
For amount received from the Bank of the Commonwealth of Kentucky,	66,797 91
For amount received from the Bank of Kentucky, the same being a distribution of the stock in said institution, at 10 per centum upon each share, which amounts, upon the stock owned by the State, to	59,670
Amount received from Messrs. Clay and Rowan, as commissioners to Virginia, it being money refunded, specie \$2,756, equal to	5,512
A \$20 bank bill on the Commonwealth's Bank of Illinois, equal to	10
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Total amount received,	\$257,122 97
Balance remaining in the treasury on the 10th day of October 1823,	12,981 87
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Grand total,	\$270,104 84

PAID, SAME TIME.

Warrants reported to have been paid by the treasurer,	193,995 38
Amount paid by treasurer in exchange for specie to pay a debt to J. and T. Roche,	6,744
Ditto, specie paid to same, \$2,256, equal to	4,512
Ditto, in exchange for specie to pay a debt to Trevor, Paul and Co.	5,609
A credit given the treasurer for specie purchased for Messrs. Clay and Rowan, commissioners to Virginia,	11,054 11
Ditto, for purchasing same, (see act of assembly,)	43 89
Stock subscribed in the Bank of the Commonwealth of Kentucky,	83,604

Total paid, \$305,562 38

From which take the amount received as above stated, 270,104 84

Balance due from the Commonwealth, as per treasurer's account in this office, \$35,457 54

The balance standing on the books as due from the Commonwealth, in Commonwealth's money, on the 10th day of October 1824, is 36,467 54

There was in the treasury, on the above date, in specie, \$500, which is equal, in Commonwealth's money, to 1,000

Ditto, a \$20 Illinois Commonwealth's bank bill, equal to 10—1,010

Which taken from the amount due from the Commonwealth in Commonwealth's money, will leave the amount due as stated above, \$35,457 54

NOTE.—No report has been made from the Bank of the Commonwealth, since the 1st of July last. If it should be deemed necessary by the Legislature, when the President of the Bank has made his report, the Auditor of Public Accounts will then make a supplemental report, showing the true situation of the treasury up to that time.

No. 2.

A Statement of Warrants drawn by the Auditor on the Treasurer, during twelve months, ending on, and including the 10th day of October 1824; showing the amount drawn for each source of expenditure, and the amount of Warrants paid and unpaid in the same period, to wit:

Sheriffs, for revenue of 1820, amount overpaid,	17 98
Ditto, 1821, ditto,	120 69
Ditto, 1822, ditto,	337 73

Public roads, including an appropriation made to open a road from Mountsterling to Virginia, by the way of Prestonsburg,	2,891
Sergeant Court of Appeals,	290 35
Slaves executed,	1,980
Public communications,	1,884 20
Purchasers of non-residents' lands,	49 03
Sheriffs comparing polls,	1,485 74
Commissioners of tax,	8,002 50
Jailers, for attending on circuit courts, dieting criminals, &c.	6,634 30
Contingent expences, for payment in part for distributing the Decisions of the Court of Appeals, and sundry repairs done about the public buildings, &c.	1,654 75
Attorneys for the Commonwealth,	5,354 97
Salaries of the Executive and Judiciary departments,	28,406 27
Loans to the Penitentiary, including the debts paid to J. and T. Roche, and Trevor, Paul and Co.	29,545 65
Criminal prosecutions,	16,375 65
Legislature, November session 1823, including the daily attendance and mileage of the members, and the pay of witnesses,	20,329 86
Appropriations, November session 1823, including the compensation to the several Officers of the Legislature, Public Printers, fuel, and all other expences, (the compensation to the Speaker of each House excepted,) and including also the appropriations to the Deaf and Dumb Asylum, Commissioners of the Penitentiary, and sundry others,	23,056 91
Legislature, October session 1821, for pay of witnesses,	5 85
Town of Columbus, (special act of assembly,) Lunatic Asylum,	232
Surveyors, for copying entries,	7,500
Distributing Acts and Journals, November session 1823,	64 75
Kentucky Institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils in said institution,	498 50
Military expenditures,	867 59
Decisions of the Court of Appeals,	451 36
Money refunded for taxes twice paid, and money improperly paid, &c.	2,987 50
State-House, for painting and putting up gutters,	484 34
Public Printers, for advertising non-residents' lands,	1,557 40
Executive Offices, for fuel, stationary, &c.	34 50
Clerks, for <i>ex officio</i> services, copying lists of taxable	2,731 63

THE SENATE.

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property, and for record books and presses furnished for the use of their different offices,	9,504 56
Support of Lunatics,	18,751 52
Drawbacks on vacant lands, the pay of military certificates and claims improperly paid on,	161 83

Total amount of warrants issued,	\$194,301 41
Warrants unpaid on the 10th day of October 1823, that issued since the 17th of March 1810, (all others issued prior to the above date are presumed to have been paid,)	170 55

Total amount,	\$194,471 96
Warrants reported to have been paid by the treasurer as stated in Statement No. 1,	193,995 38

Warrants unpaid on the 10th of October 1824,	\$476 58
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No. 3.

A Statement of balances due to Government on the 10th day of October 1824, to wit:

Of the revenue collectable by Sheriffs, there is due for the year	1793,	104 06
Ditto,	1794,	138 61
Ditto,	1796,	1,825 36
Ditto,	1798,	101 36
Ditto,	1799,	217 25
Ditto,	1800,	172 26
Ditto,	1802,	31 99
Ditto,	1803,	1,662 21
Ditto,	1806,	613 26
Ditto,	1807,	279 43
Ditto,	1809,	48 58
Ditto,	1811,	52 44
Ditto,	1815,	10 26
Ditto,	1817,	754 54
Ditto,	1819,	942 86
Ditto,	1820,	1,526 26
Ditto,	1821,	3,584 54
Ditto,	1822,	1,672 86
Debts receivable,		7,627 34
Commissioners of Navigation,		1 82
Tax on bank stock, (Independent Banks,)		1,105 06
Clerks, for taxes,		4,022 29
Loans to the Penitentiary,		56,024 21

Total debts due government, \$82,519 35

BANK STOCK.

The stock owned by the State in the Bank of Kentucky, is	537,030
There has been stock subscribed in the Bank of the Commonwealth, by the Treasurer, since its commencement, to the amount of	203,628 63
Total amount of stock,	\$740,658 63

No. 4.

A Statement of balances due from Government, on the 10th day of October 1824, and for which the amount in the Treasury on the same day is, under the existing laws, subject to the payment of the same, to wit:

Sheriffs, for revenue of 1813, amount overpaid,	3 32
Attorneys, for 1819,	36 96
Purchasers of non-residents' lands,	228 04
For warrants unpaid,	476 58
Bank Stock fund,	1,381 65
Attorneys,	2,069 32
Salaries,	6,632 38
Town of Columbus,	1,533 10

Total debts due from Government, \$12,416 35

No. 5.

A Statement showing the probable amount of expenditures of the Government, for the year to end on the 10th day of October 1825, to wit:

For the annual salaries of the officers of the executive department, judiciary, attorney-general and attorneys for the commonwealth,	38,000
<i>Ex officio</i> services of clerks, copying lists of taxable property, &c.	10,000
Legislature, November session 1824, and all expences incident thereto.	45,000
Sergeant Court of Appeals,	700
Military expenditures,	500
Public communications,	1,800
Sheriffs comparing polls,	800
Criminal prosecutions,	18,000
The execution of slaves,	2,000
For the support of lunatics,	10,000
Printing and binding the Acts and Journals of November session 1824,	3,000
Jailers attending circuit courts, &c.	7,000
Commissioners for taking in lists of taxable property,	8,500

THE SENATE.

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Contingent expenses,	2,000
Executive offices, for fuel, stationary, &c.	3,000
Money refunded for taxes twice paid, &c.	500
Purchasers of non-residents' lands,	200
Lunatic Asylum,	10,000
Surveyors, for copying entries,	600
Distributing Acts and Journals,	600
Kentucky Institution for the tuition of the Deaf and Dumb, the indigent pupils,	900
Decisions of the Court of Appeals,	3,000
Public Printers,	100
Drawbacks on vacant lands,	200
Total amount expected to be expended,	\$166,400

No. 6.

A Statement of the amount of Moneys which it is expected will be paid into the Treasury in the year to end on the 10th day of October 1825, subject to the expences of Government.

The gross amount of revenue collectable by Sheriffs, for the year 1823, and made payable on the first Monday in December next, is 87,271 65

The loss on the collection of the revenue by Sheriffs this year, including commission for collecting, insolvents, compensation for killing wolves, and sundry other credits which are allowed the several Sheriffs, it is presumed will be 20 per centum, amounting to 17,454 38

Leaving \$69,817 32

Of which said revenue was paid previous to the 10th day of October 1824, including credits for wolves, &c. 3,634 22

The delinquents on the part of the Sheriffs this year, will be about 2,000 00—5,634 22

Which leaves a sum that may be expected with some certainty to be paid into the treasury in the ensuing year, of 64,183 10

From Clerks, for taxes on law process, deeds, seals, &c. including also the amount expected to be received from the Secretary of State and Register of the Land-Office, 12,000

Miscellaneous receipts, 50

Non-residents' lands, 3,200

From the Bank of the Commonwealth of Kentucky, 88,000

Of the balances stated to be due Government, as in Statement No. 3, there will be collected, of the revenue due from Sheriffs, about 5,400

Of the balances due from Clerks, there will be collected about 2,000
 Of the balance due from debts receivable, there will be about \$500 specie, equal to 1,000
 Of the other balances nothing can be expected to be collected.

Total amount expected to be received,	\$175,833 10
Balance due from Government, as per Statement No. 1,	35,457 54
Ditto ditto ditto No. 4,	12,416 36
Amount of Statement No. 5,	166,400
Total,	\$214,273 90
From which deduct the amount of the expected receipts, as stated above,	175,833 10
It leaves a balance due from Government, on the 10th day of October 1825, of	\$38,440 80

No. 7.

A Statement of the situation of the Penitentiary.

MANUFACTURES.

From the 1st of October 1823, to the 1st of October 1824, the Agent's receipts to the Keeper, for the various kind of work, amount to \$14,211 61
 The Keeper consumed in manufacturing the above articles, raw materials to the amount of 5,833 06
 Gross profit of manufactured articles, \$8,378 55
 The expences of the institution are as follows:
 For contingencies, including the pay of guards, turnkey, clothing, medical services, &c. \$5,540 31
 Fuel, 728 25
 Dieting, 5,751 89
 12,020 45
 The Agent and Keeper's salaries, commission and the pay of an assistant Keeper, 2,397 91
 Total expenditures, \$14,418 36
 From which take the above profits of manufactured articles, 8,378 55
 Which leaves the institution in debt during the year ending on the 1st day of October, 1824, \$6,039 81

THE KEEPER.

He has received from the Treasury, for the purpose of purchasing raw materials, paying debts, &c. from the 1st of October 1823, to the 1st of October 1824, \$12,618 00
 Amount due the Commonwealth from the Keeper, on the 1st day of October 1823, 1,644 11

Total amount,	\$14,262 11
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He has expended in the same period, as	
enumerated above,	\$12,020 45
Ditto for raw materials,	4,549 26
	\$16,569 71
From which take the above amount received,	14,262 11

Leaves a balance due from the Commonwealth to the Keeper, on the 1st day of October, 1824,	\$2,307 60
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LOANS.

There was due to government for loans, on the 1st day of October, 1823,	\$25,917 85
From the above date, warrants have been drawn on the Treasury for the purpose of purchasing raw materials, paying debts, &c. as stated above,	12,618 00
Appropriations have been made, same time, to J. & T. Roche, and others, to the amount of	29,373 69
Also, for the payment, in part, of the compensation due to the Keeper and Agent,	2,822 96
Total,	\$70,732 50

Paid by the Agent to the Treasurer, in the year ending 1st October 1824, to wit:	
For debts collected, cash sales made, interest and costs collected,	\$13,519 24
The loans have been credited this year by part of the Keeper and Agent's salaries and commissions,	1,559 97
	15,079 21

Due government on 1st October, 1824,	\$55,653 29
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RAW MATERIALS.

Raw materials on hand the 1st day of October, 1823,	\$3,792 80
Ditto purchased from the above date to the 1st day of October 1824,	4,549 26
Total raw materials,	\$8,342 06

Deduct raw materials consumed during the year ending 1st October, 1824, 5,333 06

Leaving a balance of raw materials on hand the 1st day of October 1824, of \$2,509 00

TOOLS, &c.

The amount of tools and other articles belonging to the Penitentiary, as per report of Keeper, is about the same as last year, which amounts to, \$1,770 39

SALES.

Manufactured articles sold by the Agent for cash during the year ending the 1st day of October, 1824, amount to the sum of \$6,351 93

THE AGENT.

There was in the hands of the Agent, on the 1st day of October, 1823, debts and manufactured articles to the amount of \$59,641 73

From that period he has been charged with manufactured articles to the amount of \$4,211 61

Costs received same time, 60 70

Interest, ditto, 56 53—14,328 84

Total charged, \$73,970 62

He has been credited in the same period with costs paid, sub-agents' commission, &c. to the amount of \$4,363 39

By money paid into the Treasury, 13,519 24
\$17,882 63

Balance standing on the Agent's books as due to government, on the 1st day of October, 1824, \$56,087 99

The general account of the institution was, on the first day of October, 1824, as follows:

CREDITS.

By effects in the hands of the Agent, \$56,087 99
Raw materials on hand, 2,509 00
Tools and other articles, 1,770 39
\$60,367 38

DEBITS.

Loans due the State, \$55,653 29
Due former Agent, balance of account, 40 75
Due present Agent, compensation, 129 45
Due the Keeper, on settlement of this year's account, 2,307 60
\$53,131 09

Nominal value of the institution, \$2,236 79

The Auditor of Public Accounts, having received information (though not official) from the Agent of the Penitentiary, in relation to the actual situation of the institution, he therefore deems it necessary to lay before the Legislature the following statement, to wit:

The effects above stated to be in the hands of the Agent, consist of debts and manufactured articles, to wit:

Debts,	\$33,711 28
Manufactures,	22,376 71

Making the total, as above stated, \$56,087 99

It appears from statements made by the Agent, that out of the above debts, standing as due to the State, there cannot be collected more than \$3,500 00

He has accounts standing against government to the amount of 17,767 45

The balance of the debt he considers entirely insolvent, which amounts to 12,443 83

Which makes the whole amount of debts as before stated, \$33,711 28

The manufactures on hand amount to \$22,376 71

From this amount there may be deducted (with propriety) for old articles that will never sell for any thing, about the sum of 3,000 00

Which would reduce the manufactures to \$19,376 71

To which add the above debts, which are good, 3,500 00

Then, instead of \$56,087 99 as stands on the Agent's books as due the government, there cannot be calculated upon (with any degree of certainty) effects in his hands more than, \$22,876 71

Taking this view of the subject, the institution stands actually in debt to the government, the sum of \$30,974 49

PORTER CLAY, *Aud. Pub. Ac'ts.*

The Speaker laid before the Senate a petition from Samuel Jesse, contesting the legality of the election of Andrew Muldrow, who was returned as being duly elected to serve as a member of the Senate of this Commonwealth, from the 36th Senatorial District, which, together with the accompanying documents, was read, and upon motion of Mr. Denny, referred to a select committee, consisting of Messrs. Denny, Carneal, Lyon, Beauchamp, C. H. Allen, Yancey and Hughes.

Mr. Denny, from the select committee appointed to bring in a bill to regulate civil proceedings, reported a bill for that purpose, which was read the first time and ordered to be read a second time.

It was moved by Mr. Beauchamp, that the second reading of said bill be dispensed with; and the question being taken thereon, it was decided in the negative.

Ordered, That 150 copies thereof be printed for the use of the Legislature.

Leave was granted to bring in the following bills, to wit:

On motion of Mr. Carneal—A bill to provide for the redemption of land sold under execution, orders of sale, or decrees in chancery.

On motion of Mr. Stephens—A bill to provide for the safe-keeping of Francis Erwin.

On motion of Mr. Dudley—A bill imposing a tax on Brokers.

On motion of Mr. Stephens—A bill concerning attorneys at law.

On motion of Mr. Wickliff—A bill to alter the time of holding the county courts of Nelson county.

On motion of Mr. Beauchamp—A bill to amend the law concerning frauds.

On motion of Mr. Maccoun—A bill to amend the law regulating the issuing of tavern licenses.

On motion of Mr. Lockett—A bill to extend the term of the Henderson circuit court, and for other purposes.

On motion of Mr. Hughes—A bill to amend and reduce into one the several acts concerning occupying claimants of land.

On motion of Mr. Stephens—A bill concerning constables.

On motion of Mr. Faulkner—A bill to punish trespassers.

Messrs. Carneal, Denny, Flournoy, Hickman and Barrett, were appointed a committee to prepare and bring in the first; Messrs. Stephens, Crutcher and Forsythe, the second; Messrs. Dudley, Ballinger and Barrett, the third; Messrs. Stephens, Smith and Carneal, the fourth; Messrs. Wickliff, Beauchamp and Crutcher, the fifth; Messrs. Beauchamp, Bowman and Dawson, the sixth; Messrs. Maccoun, Yancey and Lyon, the seventh; Messrs. Lockett, Worthington, W. B. O'Bannon and Stephens, the eighth; Messrs. Hughes, C. H. Allen, Barrett, Carneal and W. B. O'Bannon, the ninth; Messrs. Stephens, Crutcher and Beatty, the tenth; and Messrs. Faulkner, J. Allen and Daniel, the eleventh.

Mr. Stephens, from the select committee appointed to prepare and bring in a bill to provide for the safe-keeping of Francis Erwin, reported a bill for that purpose; which was received, read, and ordered to be read a second time, when, on motion of Mr. Stephens, the second reading of said bill was dispensed with, and it was referred to a select committee, consisting of Messrs. Stephens, Flournoy and J. Ward, for amendment.

Mr. Dudley presented a petition from the different Sheriffs of this Commonwealth, praying that a law may pass increasing their compensation for mileage and pay per diem, while engaged in comparing polls, &c. Which was read, and upon motion, referred to the committee for courts of justice.

The resolutions submitted on yesterday by Mr. Ewing, referring the several matters recommended in the Governor's message to committees, were, upon motion, taken up and adopted. Whereupon the following committees were appointed, to wit:

On so much of said message as relates to the revision of the execution laws, Messrs. Denny, J. Ward, Faulkner, Wickliff and Barrett.

On so much of said message as relates to internal improvements, Messrs. Carneal, Flournoy, Maccoun, J. Allen and Howard.

On so much of said message as relates to the decision of the Supreme Court of the United States upon the occupying claimant laws, Messrs. Hughes, W. B. O'Bannon, Ballinger, Smith and Worthington.

On so much of said message as relates to the re-organization of the Judiciary, Messrs. C. H. Allen, Beauchamp, Stephens, Dudley and Daniel.

On so much of said message as relates to the lands west of the Tennessee river, Messrs. Ewing, Lyon, Lockett, P. N. O'Bannon and Dawson.

On so much of said message as relates to the currency of the country, Messrs. Yancey, Crutcher, Hickman, White and Forsythe.

Mr. Stephens, from the select committee to which was referred a bill to provide for the safe-keeping of Francis Erwin, reported the same with an amendment, which was agreed to, and the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Stephens, from the select committee raised to prepare and bring in a bill concerning attorneys at law, reported a bill for that purpose; which was received, read, and ordered to be read a second time.

Mr. Maccoun read and laid on the table a joint resolution, fixing on a day for the election of a suitable person to serve in the Senate of the United States, from and after the 4th day of March next.

Mr. Stephens, from the select committee appointed to prepare and bring in a bill concerning constables, reported a bill for that purpose; which was read, and ordered to be read a second time.

And then the Senate adjourned.

THURSDAY, NOVEMBER 4, 1824.

The Capitol having been unfortunately consumed this morning by fire, the Senate assembled in the Seminary.

Mr. Howard, a member of the Senate from the — senatorial district, appeared and took his seat.

A message from the House of Representatives, by Mr. Forest:

Mr. Speaker—The House of Representatives have adopted a joint resolution fixing on a day for the election of a suitable person

to serve in the Senate of the United States, from and after the 4th day of March next; in which resolution they request the concurrence of the Senate.

Ordered, That Mr. Ewing inform the House of Representatives that the Senate will sit to-day in the Seminary.

A message from the House of Representatives, by Mr. Joyce:

Mr. Speaker—The House of Representatives have adopted a resolution appointing a joint committee to make arrangements for a house in which to do business, for the remainder of the present session.

Mr. Dudley read and laid on the table several joint resolutions contemplating the appointment of committees to enquire into the cause which eventuated in the destruction of the Capitol, the state of the papers and public documents belonging to the different Offices and to the Commonwealth, and where a suitable house or houses may be had for the reception and accommodation of the General Assembly. Which resolutions, upon motion, (the rule being dispensed with,) were taken up and severally adopted, as follows, to wit:

Resolved by the Senate and House of Representatives, That a joint committee of three from the Senate, and six from the House of Representatives, be appointed to enquire into the cause of the late afflicting event, the destruction by fire of the Capitol of this State,

Resolved further, That a committee of three from the Senate, and six from the House of Representatives, be appointed to examine into the situation of the books and papers belonging to the different Offices and to the Commonwealth, and that they be authorised to make such arrangements for their future preservation, as circumstances may require.

Resolved further, That a committee of three from the Senate, and six from the House of Representatives, be appointed to examine in the town of Frankfort, what house or houses can be procured for the accommodation of the present General Assembly.

Upon motion, it was ordered that said resolutions be adopted in lieu of a resolution reported from the House of Representatives, inasmuch as that resolution, in the opinion of the Senate, is superseded by the foregoing.

A message from the House of Representatives, by Mr. Wickliffe:

Mr. Speaker—The House of Representatives have adopted a resolution for appointing a joint committee to visit Transylvania University and the Lunatic Asylum at Lexington, to examine into the accounts of the same; in which resolution I am instructed to request the concurrence of the Senate.

The following committees were appointed on the resolutions offered by Mr. Dudley and adopted by the Senate, to wit: On the first resolution, on the part of the Senate, Messrs. Howard, Flour-

noy and Stephens; on the second, Messrs. Faulkner, Dawson and Forsythe; and on the third, Messrs. Dudley, Hughes and Yancey.

On motion of Mr. Hickman, leave was granted to report a bill to prolong the November term of the Bourbon circuit court; which was thereupon reported and read, when the rule and constitutional provision requiring the second and third reading of said bill, being dispensed with, and the question being taken on the final passage of the same, it was decided in the affirmative, and ordered that the title of the bill be as aforesaid.

On motion of Mr. Ward, leave was given to bring in a bill for the benefit of the deputies of James Chambers, deceased, late Sheriff of Mason county; and Messrs. Ward, Ewing and White were appointed a committee to prepare and bring in the bill.

Mr. Stephens offered the following resolution, to wit:

Whereas Benjamin Duncan, a member returned to serve in this House, has, since his election, departed this life; and the members of the Senate, willing to testify their regard for his worth, he having heretofore served as a Senator, *do resolve*, that as a testimony of the regard and esteem for him, entertained by the Senate, the members of this body will wear a crape on the left arm, for thirty days.

Which was unanimously adopted.

On motion of Mr. Crutcher, the joint resolution from the House of Representatives, fixing on a day for the election of a suitable person to serve in the Senate of the United States, from and after the 4th day of March next, was taken up and read as follows:

IN THE HOUSE OF REPRESENTATIVES, Nov. 3, 1824.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Friday the 5th day of this instant, proceed, by the joint vote of both branches of the General Assembly, to elect a Senator to serve in the Congress of the United States, in the place of Mr. Isham Talbot, our present Senator, whose term of service will expire on the 4th day of March next.

Mr. Faulkner moved to strike out so much of said resolution as fixes upon Friday the 5th inst. for said election; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Smith and Flournoy, were as follows:

Those who voted in the affirmative, are, Messrs. Beatty, Bowman, Faulkner, Flournoy, Hickman, Howard, Lockett, Muldrow and J. Ward—9.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Smith, Stephens, White, Wickliff, Worthington and Yancey—24.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

A message from the Governor, by Mr. Barry, his Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which message, accompanying a fac simile of the Declaration of Independence, was received and laid on the table.

On motion of Mr. Flournoy, the resolution from the House of Representatives relative to the Transylvania University and Lunatic Asylum, was taken up and concurred in, and the following committee appointed on the part of the Senate, to wit: Messrs. Carneal and Ewing.

Ordered, That Mr. Flournoy inform the House of Representatives thereof.

On motion of Mr. Hughes, leave was granted him to report a bill to extend the terms of the Bracken circuit court; which was accordingly reported and read, and the second reading of said bill being dispensed with, it was ordered to be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills, to wit:

On motion of Mr. Beatty—A bill to authorise the appropriation of the lands lying east of the Tennessee river and between the present state line and latitude 36 degrees and 30 minutes north.

On motion of Mr. Crutcher—A bill to be entitled an act to amend an act to repeal all laws allowing a replevin of two years on all contracts entered into after the first day of June 1824.

Messrs. Beatty, Bowman and Yancey were appointed a committee to prepare and bring in the first, and Messrs. Crutcher, Hickman and Lockett, the last.

And then the Senate adjourned.

FRIDAY, NOVEMBER 5, 1824.

The Senate assembled.

Benjamin Selby, a member returned to serve in the Senate from the counties of Adair and Casey, appeared, produced a certificate of having taken the several oaths required by the constitution and laws of this Commonwealth, and took his seat.

Mr. Howard presented the petition of sundry citizens of the county of Madison, praying for a change of the State road near the Big Hill, in Madison county.

Ordered, That said petition, with the documents accompanying the same, be referred to a select committee of Messrs. Howard, Ballinger, Faulkner and Davidson.

Mr. Stephens presented the petition of sundry citizens of the counties of Breckinridge, Ohio and Daveiss, praying for the formation of a new county out of parts of said counties; which was read, and referred to the committee of propositions and grievances.

Mr. Lyon, from the committee to which was referred the petition of Samuel Jesse, contesting the election of Andrew Muldrow, a member returned to serve in this house from the counties of Woodford and Jessamine, reported the following resolution, to wit:

Resolved, as the opinion of the committee to whom was referred the petition of Samuel Jesse, that the said Jesse has no right, under the laws of this Commonwealth, to contest the election of Mr. Muldrow, he not claiming said Muldrow's seat in the Senate. They are further of opinion that the requisitions of law have not been complied with. They therefore pray to be discharged from the further consideration of the subject.

Ordered, That the said committee be discharged from the further consideration of the subject.

A message from the House of Representatives, by Mr. Holt:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to extend the November term of the Bourbon circuit court," and they have concurred in resolutions which originated in the Senate, appointing committees to enquire into the cause of the destruction of the Capitol, and for other purposes.

A message from the House of Representatives, by Mr. Cosby:

Mr. Speaker—The House of Representatives have passed a joint resolution for a recess of the Legislature, until Wednesday the 10th instant; in which resolution they request the concurrence of the Senate.

On motion of Mr. Ewing, said resolution was taken up and read. Mr. Beauchamp then moved to lay said resolution on the table for the present; and the question being taken thereon, it was decided in the affirmative.

Leave was granted to bring in bills of the following titles, to wit:

On motion of Mr. J. Allen—1. A bill for the benefit of the heirs and representatives of David Allen, deceased.

On motion of Mr. Howard—2. A bill for the benefit of securities.

On motion of Mr. Hughes—3. A bill to regulate and curtail the jurisdiction of the general court.

On motion of Mr. W. B. O'Bannon—4. A bill to take the sense of the good people of this Commonwealth on the expediency of calling a convention.

The following committees were appointed to prepare and bring in said bills, to wit: Messrs. J. Allen, Beauchamp and Wickliff,

the first; Messrs. Howard, Hughes and Beauchamp, the second; Messrs. Hughes, Yancey, Dudley, Stephens and Flournoy, the third; Messrs. W. B. O'Bannon, Hughes and J. Allen, the fourth.

Mr. Yancey, from the joint committee of enrolments, reported that they did on this day lay before the Governor an enrolled resolution fixing on a day for the election of a Senator in the Congress of the United States, for his approbation and signature.

On motion of Mr. Stephens, the Senate took up a bill providing for the safe-keeping of Francis Erwin; which having been read a third time, the question was taken on the passage of said bill, which was decided in the affirmative.

Ordered, That the title thereof be as aforesaid, and that Mr. Stephens carry the said bill to the House of Representatives, and request their concurrence.

Mr. J. Ward, from the select committee appointed to prepare and bring in a bill for the benefit of the deputies of James Chambers, late Sheriff of Mason county, reported a bill for that purpose, which was read the first time; and the constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Ward carry the said bill to the House of Representatives, and request their concurrence.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled resolutions appointing joint committees to enquire into the cause of the destruction of the Capitol, and for other purposes, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Yancey carry said resolutions to the House of Representatives, for the signature of their Speaker.

After some time, Mr. Yancey reported that he had performed that duty, and had laid the same before the Governor, for his approbation and signature.

Mr. Yancey, from said committee, also reported that he did on this day lay before the Governor a joint resolution fixing on a day for the election of a Senator in Congress.

A message from the House of Representatives, by Mr. Booker:

Mr. Speaker—I am instructed by the House of Representatives, to inform the Senate that the Governor did on this day approve and sign a joint resolution which originated in that house, fixing on a day for the election of a Senator in Congress; that they are now ready to proceed to said election, and that John Rowan stands nominated in that house.

And then he withdrew.

A bill concerning constables, was read a second time and ordered to be engrossed and read a third time to-morrow.

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Mr. Bowman, who voted in the majority upon the question to engross said bill for a third reading, moved a re-consideration of said vote; and the question being taken thereon, the vote was re-considered; when, upon motion, said bill was committed to a select committee, consisting of Messrs. Bowman, Flournoy, Stephens and Dawson.

Upon motion, the orders of the day were then dispensed with.

A message from the House of Representatives, by Mr. Shortridge:

Mr. Speaker—The House of Representatives have passed "an act to provide a room for the Court of Appeals," in which they request the concurrence of the Senate.

Mr. Dudley, from the joint committee raised to prepare suitable accommodations for the present General Assembly, asked leave to report a resolution upon that subject; which being granted, was done, the report received, read, and for the present ordered to lie on the table.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled resolutions which originated in the Senate, entitled "resolutions appointing committees to enquire into the cause of the destruction of the Capitol, and for other purposes."

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled "an act to prolong the November term of the Bourbon circuit court"; that they had found it truly enrolled, and presented the same for the signature of the Speaker, which was signed.

Ordered, that Mr. Yancey carry the same to the Governor, for his approbation.

On motion of Mr. Carneal, the Senate resolved to proceed to the election of a Senator in Congress.

Whereupon, Mr. Ewing nominated Mr. Rowan, as a suitable person to fill that office.

Ordered, That Mr. Crutcher inform the House of Representatives that the Senate is now ready to proceed to said election, and that Mr. Rowan stands in nomination before the Senate.

Whereupon, the Senate went into said election, and the vote stood as follows:

For Mr. Rowan—Mr. Speaker, and Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beatty, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, White, Wickliff and Yancey—27.

For Mr. Talbot—Messrs. Faulkner, Flournoy, Howard and Lockett—4.

Ordered, That Messrs. Ewing, Crutcher and Hughes be appointed a committee on the part of the Senate, to meet a committee on the part of the House of Representatives, to compare the joint ballot and report the result.

When, after a short time, Mr. Crutcher reported that the joint ballot stood as follows, to wit:

For Mr. Rowan,	105
For Mr. Talbot,	4

Whereupon, Mr. Rowan having a majority of both Houses, was declared by the Speaker duly elected.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, an enrolled bill which originated in the Senate, entitled "an act to extend the November term of the Bourbon circuit court."

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign a bill which originated in the Senate, entitled "an act to prolong the November term of the Bourbon circuit court."

The report of the joint committee appointed to provide suitable accommodations for the present General Assembly, was called up, and read as follows:

The joint committee who were appointed by the General Assembly "to examine in the town of Frankfort what house or houses can be procured for the accommodation of the present General Assembly," have performed the duty assigned them, and ask leave to report:

That they have had tendered to the General Assembly, by the citizens of Frankfort, any house or houses which they may select, and that they will, in the shortest possible time, have such as may be selected, prepared for the accommodation of the General Assembly.

Your committee have examined Captain Weisiger's ball-room, the house occupied by Mr. Benjamin Lockett, the Shareholders' room in the Bank of Kentucky, and the Meeting-House and Seminary on the public square, and are of opinion that the two latter buildings are better calculated to serve the purposes of the present General Assembly, than any of the others, and, therefore, recommend that a committee be appointed to have said houses prepared forthwith.

J. DUDLEY, *Ch'm. S. C.*

D. C. COSBY, *Ch'm. H. R. C.*

Mr. Howard moved the following amendment, as a substitute for said report, to wit:

Resolved, That a committee be appointed to superintend the preparation of the room appropriated to the Stockholders in the

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Bank of Kentucky, for the accommodation of the Senate during the present session.

And the question being taken on the adoption of said amendment, it was decided in the negative.

Mr. Beauchamp moved to amend said report by attaching thereto the following proviso:

Provided no arrangement shall be made in the Seminary, which will cause the partition wall to be removed.

And the question being taken on the adoption of said proviso, it was decided in the negative—Yeas 12, Nays 19.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows:

Those who voted in the affirmative, are, Messrs. Ballinger, Barrett, Beatty, Beauchamp, Bowman, Dawson, Hickman, Howard, Lockett, Selby, Stephens and J. Ward.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Crutcher, Daniel, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, White, Wickliff and Yancey.

The question was then taken upon concurring with said committee, and decided in the affirmative—Yeas 20, Nays 11.

The yeas and nays being required thereon by Messrs. Beauchamp and Hughes, were as follows:

Those who voted for concurring, are, Messrs. C. H. Allen, J. Allen, Barrett, Daniel, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Howard, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, White and Yancey.

Those who voted against it, are, Messrs. Ballinger, Beatty, Beauchamp, Bowman, Crutcher, Dawson, Hickman, Lockett, Selby, Stephens and Wickliff.

On motion, the joint resolution for a recess of the General Assembly until Wednesday the 10th instant, was taken up and read as follows:

Resolved by the Senate and House of Representatives, That when they adjourn upon to-day, the House of Representatives will adjourn to meet at the Meeting-House on the public square in the town of Frankfort, on Wednesday next, and the Senate to meet at the Seminary, on the same day.

Mr. Beauchamp moved to strike out so much of said resolution as fixes the day upon which the Legislature will again meet, on Wednesday the 10th instant, and to insert in lieu thereof the first day of March next.

When, a division of the question being called for by Mr. Faulkner, the question was taken upon striking out, and decided in the negative, and the resolution was adopted.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

Mr. Hughes offered the following resolution, which was unanimously adopted, to wit:

Resolved, That as a testimony of the sense entertained by the members of the Senate, of the integrity, worth and faithful services of Willis A. Lee, deceased, late Secretary of this body, they will wear crape upon the left arm for thirty days.

Mr. Howard offered the following resolution, which was adopted:

Resolved, That a committee of six from the Senate, be appointed to examine the improvements made by Andrew Muldrow, in the navigation of Kentucky river, and that said committee have leave to report by bill or otherwise.

And thereupon the following committee was appointed, to wit: Messrs. Howard, Lyon, J. Allen, Maccoun, Lockett and Bowman.

Mr. Beatty asked leave to bring in a bill to amend the penal laws of this Commonwealth, which motion was superseded by adding him to the committee already appointed to prepare and bring in a bill to amend the criminal laws of this commonwealth, which, upon motion, was done.

And then the Senate adjourned to Wednesday the 10th instant,

WEDNESDAY, NOVEMBER 10, 1824.

The Senate assembled.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which was taken up and read as follows:

Gentlemen of the Senate,

I nominate for your approbation, William T. Barry, Esq. whose commission will expire with the present session, as Secretary of State for this Commonwealth.

JOSEPH DESHA.

November 10, 1824.

And the rule being dispensed with, it was unanimously resolved that the Senate do advise and consent to said nomination; which being duly certified, it was ordered that Messrs. Dudley, White and Lyon inform the Governor thereof.

The Speaker laid before the Senate a letter from the Treasurer, covering his annual report; which were read as follows, to wit:

THE SENATE.

37

TREASURER'S OFFICE, Ky. Nov. 10th, 1824.

Sir:

You will please to lay before the honorable house over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury Department, from the 11th day of October 1823, to the 10th day of October 1824, inclusive.

I have the honor to be, very respectfully,

Your obedient humble servant,

SAMUEL SOUTH, *Treasurer.*

The Hon. ROBERT B. M'AFEE,

Lieut. Governor and Speaker of the Senate,

A STATEMENT

Of Moneys received and paid at the Treasury in the year 1824, commencing on the 11th day of October 1823, and ending on the 10th day of October 1824, inclusive, together with the amount of Money in the Treasury on the 10th day of October 1823,

RECEIPTS.

For amount received on vacant lands,	6,003 49
Head-right lands,	2,858 04
Tellico lands,	58 83
Manufacture of salt,	20 00—8,940 36
Penitentiary,	12,353 32
Sheriffs,	75,711 03
Clerks,	10,681 55
Register of the Land-Office,	1,442 73
Non-residents' lands,	3,465 21
Miscellaneous receipts,	42 44
A slave run away and sold,	562 42
Dividends, Bank of Kentucky, up to 31st Jan. 1824,	11,934
Ditto on stock same Bank, up to 31st July 1824,	59,670
From the Bank of the Commonwealth,	66,797 91
Money refunded by Messrs. Clay and Rowan,	
\$2,756 specie, equal, in Commonwealth's paper, to	5,512
A twenty dollar Illinois note, equal to	10
Total amount received in 1824,	\$257,122 97
And money in the treasury on the 10th day of October 1823,	12,981 87
Total amount,	\$270,104 84

This statement exhibits the amount of Money paid for Warrants drawn on the Treasury from the 11th day of October 1823, to the 10th day of October 1824, inclusive.

Amount subscribed and paid into the Commonwealth's Bank, as stock, to wit: Dividend from Bank of Kentucky, up to 31st Jan. 1824,	11,934
Ditto, stock from same Bank, up to 31st July 1824,	59,670
Vacant and head-right lands,	12,000--83,604
Drawback on vacant lands,	161 12
Penitentiary,	12,221 65
Judiciary,	29,789 86
Executive department,	7,789 86
Legislature,	20,994 19
Public Printing,	4,321 37
Appropriations, November session 1823,	11,995 86
Support of Lunatics,	19,753 84
Clerks of circuit and county courts,	9,770 29
Criminal prosecutions,	17,821 31
Public communications,	892 70
Jailers of circuit and county courts,	8,948 25
Executive offices,	2,845 66
Commissioners of taxable property,	8,716 73
Contingent expences,	1,325 61
Redemption of non-residents' lands,	49 30
Military expences,	595 10
Sherriffs comparing polls,	1,704 02
Public roads,	2,842 50
Slaves executed,	1,980
Town of Columbus,	282
Sergeant of the Court of Appeals,	289 75
Money refunded,	757
Reporter of the Court of Appeals,	2,987 50
Distributing Acts of Assembly, for 1824,	249
Deaf and Dumb Asylum, Danville,	3,615 87
Paid J. and T. Roche, in Commonwealth's paper,	13,438
Paid same \$2,256 specie, equal, in Commonwealth's paper, to	4,512--18,000
Paid Trevor, Paul and Co. \$5,609 specie, equal, in Commonwealth's paper, to	11,218
A credit given the Treasurer for specie purchased for Messrs. Clay and Rowan, commissioners to Virginia,	11,054 11
Ditto, for purchasing same, (see Act of Assembly,)	43 89
Repairs to the Penitentiary, &c.	2,400

Lunatic Asylum, Lexington,	2,500
Ditto ditto Louisville,	2,500
Repairs done to the State-House, painting, &c.	1,589 54

Total amount paid, \$305,562 38

From which take the amount received, as above stated, 270,104 84

Balance due from the Commonwealth, \$35,457 54

No report has been made from the Bank of the Commonwealth, since the first day of July last, pursuant to the charter of said Bank, nor under the act of the last session of the General Assembly, entitled "an act to apply the net profits of the Bank of the Commonwealth for the year 1824, in aid of the public revenue," approved January 7th, 1824; which renders it wholly out of my power to show the precise situation or state of the treasury for the present year. This report would have been transmitted before this time, had not the public business been unexpectedly interrupted. In case the report of the Bank should make it necessary, (which it is expected will be the case,) the accounts may form a proper supplement to those now exhibited.

The foregoing statement is respectfully submitted to the Senate.

SAMUEL SOUTH, *Treasurer.*

And it was ordered, that for the present they lie on the table.

Mr. Lyon presented a petition from the Justices of the Peace for the county of Graves, praying that certain proceedings may be legalized, &c. which, upon motion, was referred to a select committee, consisting of Messrs. Lyon, Lockett and Worthington.

Mr. Dudley, from the select committee appointed to prepare and bring in a bill imposing a tax on Brokers, reported a bill for that purpose; which was read, and ordered to be read a second time.

Mr. Yancey asked leave to report a bill to amend the law regulating the election of Electors; which was granted, and thereupon he reported a bill for that purpose, which was read, and ordered to be read a second time.

Whereupon, on motion, the rule and constitutional provision requiring the second and third readings of said bill being dispensed with, and the question being taken on the passage thereof,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Yancey carry said bill to the House of Representatives, and request their concurrence in the same.

Mr. Bowman, from the select committee to which was referred a bill concerning Constables, reported the same with an amendment, which was concurred in by the Senate; and the bill being further amended, was laid on the table for the present.

Mr. Beatty asked leave to bring in a bill to amend the penal laws of this Commonwealth; which was granted, and the following committee appointed to prepare and bring in said bill, to wit: Messrs. Beatty, W. B. O'Bannon and Bowman.

Whereupon Mr. Beatty, from said committee, (upon leave,) reported a bill for that purpose; which being read, was ordered to be read a second time.

The Speaker laid before the Senate the following letter from the President of the Bank of the Commonwealth of Kentucky, covering the annual report of said institution, which was laid upon the table.

BANK OF THE COMMONWEALTH OF KENTUCKY, }
November 10th, 1824. }

Dear Sir—I have the honor to transmit herewith, such a report of the proceedings and situation of this Bank, as is required by the 13th section of the act of the 29th of November 1820; which report you will please to lay before the honorable body over which you preside.

I have the honor to be, with respect, yours, &c.

J. J. CRITTENDEN, *President.*

The Hon. ROBERT B. M'AFEE,

Speaker of the Senate.

P. S. The accidental calamity which occasioned the adjournment of the General Assembly on Friday last, prevented me from making the accompanying report on the first week of the session, as required by law.

J. J. C.

BANK OF THE COMMONWEALTH OF KENTUCKY, }
November 9th, 1824. }

To the Members of the Senate and of the House of Representatives.

The President of the Bank of the Commonwealth has the honor herewith to communicate a statement, or table, exhibiting a condensed view of the situation of the whole institution, and also detailed reports of the names of those who have borrowed from the Bank, the respective amounts so borrowed, and the manner in which the same are secured.

By an act of the 7th of January last, the President and Directors of this Bank were directed to pay into the public treasury, in aid of the revenue, the whole amount of its net profits accruing from the 10th of October 1823, to the 10th of October 1824, excepting only certain special appropriations which had been previously made. Deducting those appropriations, the net profits which accrued from the 10th of October 1823, to the 1st of July 1824, (as will more particularly appear from the report made to the Auditor of Public Accounts, up to the last mentioned day, and which is also herewith communicated,) amounted to \$66,797 91, and those which accrued from the 1st of July 1824,

to the 10th of October, amounted to \$21,108 64, making the total revenue derived from this source under the said act, amount to the sum of \$87,906 55, all of which has been passed to the credit of the treasury; and the necessities of that department have compelled the Treasurer to anticipate and overdraw the amount. The sum, however, of \$21,108 64, which became due to the treasury on the 10th of October 1824, was never ascertained or passed to its credit, until lately, and will diminish, to that extent, the balance of \$39,715 30, reported against it on the 1st of October 1824, as appears by the table or statement first above mentioned. This reduced balance, however, has been again augmented, by subsequent advances made to the amount of about \$8,000.

In permitting these anticipations and overdrafts by the Treasurer, the managers of the Bank conceived that they acted in the *spirit*, if not according to the *letter*, of the *law*. They were not unapprised, that there was no express legal provision authorising them to make such advances; but as such a course involved no danger to the Bank, and seemed to be imperiously required by the exigencies of the treasury, they thought it better to pursue it, than to adopt the harsh and injurious alternative of dishonoring the drafts of the Treasurer, and refusing to him the means of defraying the necessary expences of the government.

On all occasions, the strictest economy in its expenditures has been practised by this Bank, and recommended to, and enjoined upon its branches; and with the view of affording to the Legislature the fullest information on this subject, accounts were required from all the branches, of their expences from the 1st of October 1823, to the 1st of October 1824. Several of them have not yet made these reports. So far as they have been received, they are herewith communicated, together with an account of the expenditures of this Bank during the same period.

Between the 1st of October 1823, and the 1st of October 1824, the Treasurer has subscribed and paid into this Bank, for stock, the sum of \$83,604, the principal part of which was derived from the Bank of Kentucky, being the State's portion of a distribution of 10 per cent. on the capital stock of that institution.

In pursuance of the provisions of an act of the last session of the General Assembly, entitled "an act concerning the Bank of Kentucky and the Bank of the Commonwealth," the President and Directors of this Bank have withdrawn from circulation, and placed in permanent deposit in its vaults, \$422,212 16 of its notes, all of which was counted and laid away in sealed boxes, in the presence of the Treasurer and Auditor of Public Accounts. This sum, when added to that which was cancelled during the last year, makes an aggregate of \$995,247 41, and reduces the amount of notes originally issued by the Bank, from \$2,943,459 55, down to the sum of \$1,948,212 14.

Such a result must afford satisfactory evidence that the system of curtailment and reduction pursued during the two last years, though proceeding by calls so moderate as scarcely to furnish debtors the smallest ground of complaint, will, if continued, speedily relieve the State from all the evils of a *depreciated currency*.

In the regulation and management of the Bank, no material change has been made. The call upon its debtors at the rate of one per cent. per month, has been steadily persevered in, and the President and Directors have endeavored so to conduct all its operations, as to fulfil and accomplish the purposes and designs prescribed by the General Assembly.

I have the honor to be, with great respect, &c.

J. J. CRITTENDEN, President.

REPORT

Prepared for the Auditor of Public Accounts, agreeably to the act of the 19th of December, 1821, containing an accurate statement of all the interest that has accrued upon the loans and discounts of the Bank of the Commonwealth of Kentucky, from the 1st day of July, 1823, to the 1st of July, 1824, after deducting therefrom the expences of said institution, and designating also the several appropriations which have been made by the Legislature out of its profits, and the interest allowed to the Literary Fund, on the amount standing to its credit, on the 1st day of July, 1823.

PRINCIPAL BANK AND BRANCHES.	Amount of net profits.	Amount of Literary Fund on 1st July, 1823.	Interest on Lit. Fund from July 1 to Oct. 1, 1823.	Amount due the Lit. Fund on 10th Oct. 1823.	Amount due the Treasury up to July 1st, 1824.	Appropriation to Centre College.	Appropriation to Southern College.	Appropriation to Trans. University.
Principal Bank,	9,310 49	9,527 48	160 37	1,809 07	6,341 05			
Br. in Hartford,	4,228 84	5,429 97	91 41	660 76	3,476 67			
Mount Sterling,	2,742 64	3,339 06	56 21	892 96	1,793 47			
Winchester,	9,596 28	14,623 20	246 25	1,243 46	8,107 17			
Greensburg,	6,905 98	10,189 69	171 54	1,022 46	5,711 98			
Princeton,	6,462 21	9,410 63	158 42	1,052 79	5,251			
Bowlinggreen,	4,702 53	10,990 54	185 02	440 42	3,699 07		378 02	
Somerset,	4,333 76	6,323 37	106 53	945 49	3,781 74			
Falmouth,	5,377 64	7,551 07	127 11	978 56	4,271 97			
Flemingsburg,	5,926 78	9,283 30	156 26	734 03	5,036 49			
Harrodsburg,	8,736 34	12,798 94	215 44	876 95	7,003 95	640		
Lexington,	9,728 10	13,284 99	223 62	1,089 09	3,663 15			4,752 24
Louisville,	10,240 89	15,930 29	268 17	1,312 52	8,660 20			
DOLLARS,	87,793 08	128,692 53	2,166 35	13,058 56	66,797 91	640	378 02	4,752 24

[To face page 42.]

October, 1824.

General expenses.	CASH ON HAND.				
	Specie.	Eastern Notes.	U. S. Notes.	B'k. Ky. Notes.	B'k. Com. & branches.
1,292 31	4,741 57	240	610	689	325,206 65
523 26	2,793 25				46,803 52
934 67	587 19	400		230	14,868
781 89	403 79	15		4	4,636 53
392 68	61			327	4,538
94 74					69,900 37
355 30				100	14,124 38
333 71			430	28	24,940 78
380 81					6,791 61
539 12	579 83				892 69
119 56	346 27		1,355		17,523 68
492 48	154			150	14,063 69
798 02					73,551 03
7,078 55	9,606 51	655	2,395	1,519	627,860 93

D.		CR.	
Stoc		\$1,928,166	89
Lite		292,592	48
Note		12,940	98
Disc	212,592	91	
Indi	39,715	30—252,208	21
Due (uly last,)		7,078	55
	9,606	51	
ates' Notes,	3,050		
ky,	1,519		
health & branches,	627,860	93—642,036	44
		\$3,135,023	55
		\$627,860	93
		422,212	16
		\$205,648	77

O. G. WAGGENER, Cashier.

[To face page 42.]

[SENATE JOURNAL.]

A STATEMENT

Of the situation of the Bank of the Commonwealth of Kentucky, on the first day of October, 1824.

	Stock.	Literary Fund.	Notes payable.	Discounts.	Individual depositors.	Debts due to other Banks.	Notes under discount.	Notes in suit.	Real Estate.	Debts due from other Banks.	General expenses.	CASH ON HAND.				
												Specie.	Eastern Notes.	U. S. Notes.	Bk. Ky. Notes.	Bk. Com. & branches.
Principal Bank,	203,628 63	11,496 92	24,664 19	4,609 40	34,913 14	163,054 24	222,793	34,348	1,729 89	57,225 10	1,292 31	4,741 57	249	610	630	325,206 65
Br. in Winchester,		16,117 91	24,199 75	3,181 78	12,706 79		184,307 25	28,782 68		14,996 27	523 26	2,793 25			230	46,803 52
Harrodsburg,		13,891 33	24,622 20	2,460 09	3,798 64	298 26	201,356 32	28,750	2,800	20,144 34	934 67	587 19	400		4	14,868
Greensburg,		11,383 69	170,763 75	2,663 74	2,318 33	673 48	150,172 05	19,576 87	456 41	11,756 45	781 89	403 79	15		327	4,636 53
Hartford,		6,182 14	40,401 75	1,026 29	1,120 48	17,138	77,207	26,888		6,515 37	392 68	61				4,538
Lexington,		14,597 70	213,156 57	2,844 70	62,038 86		181,803 10	10,950	2,334 18	27,565 44	34 74				100	69,900 37
Falmouth,		8,656 74	146,356	1,657 65	1,521 03		103,856	15,708 40	4,029	20,518 34	355 30			430	28	14,124 38
Flemingsburg,		10,173 59	156,447 38	1,799 72	4,713 51	200	113,436	5,262 59		28,903 12	333 71					24,940 78
Mount Sterling,		4,288 23	86,139 82	1,535 49	750		62,263 15	22,441 48	721 50	836 49	380 81					6,791 61
Bowlinggreen,		11,615 90	177,473 13	1,278 42	830 01	17,444 02	134,038 10	71,820 24	870	34,169 46	589 12	579 83		1,355		892 69
Princeton,		10,621 84	200,362 19	863 24	11,398 70		153,843	15,519		5,951 47	119 56	346 27			150	17,523 68
Somerset,		7,380 39	120,435 07	1,616 44	902 88		97,457 92	12,045 22		23,626 36	798 02	154				14,063 69
Louisville,		17,510 98	270,902 50	3,722 16	40,570 65	10,903 12	245,634									73,551 03
DOLLARS,	203,628 63	143,917 36	2,370,424 30	29,259 12	178,083 02	209,711 12	1,928,166 89	292,592 48	12,940 98	252,208 21	7,078 55	9,606 51	655	2,395	1,519	627,860 93

RECAPITULATION.

DR.		RECEIPTS		
				\$1,928,166 89
		\$203,628 63	Notes discounted,	292,592 48
Stock,		143,917 36	Notes in suit,	12,940 98
Literary Fund,		2,370 424 30	Real estate,	
Notes payable,		29,259 12	Due from other Banks,	212,592 91
Discounts, (since 1st July last,)		178,083 02	Due from Treasurer,	39,715 30—252,208 21
Individual depositors,		209,711 12	General expences, (since 1st July last,)	7,078 55
Due to other Banks,			Cash on hand, viz: Specie,	9,606 51
			Eastern and Bank United States' Notes,	3,050
			Notes of the Bank of Kentucky,	1,519
			Notes Bank of the Commonwealth & branches,	627,860 93—642,036 44
				\$3,135,023 55
		\$3,135,023 55		\$627,860 93
				422,212 16
				\$205,648 77
Amount of Notes of the Bank of the Commonwealth and branches on hand the 1st day of October, 1824,				
Deduct amount of Notes laid up in permanent deposite, under the act of the 7th January last,				

Amount of Notes of the Bank of the Commonwealth and branches on hand the 1st day of October, 1824,
Deduct amount of Notes laid up in permanent deposite, under the act of the 7th January last,

O. G. WAGGENER, Cashier.

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A message from the House of Representatives, by Mr. Coleman:

Mr. Speaker—The House of Representatives concur in a bill which originated in the Senate, entitled “an act to amend the law regulating the election of Electors.”

On motion of Mr. Denny, leave was granted to report a bill concerning Tanners. Whereupon, the second reading of said bill having been dispensed with, and the question being taken on its being engrossed and read a third time, it was decided in the negative, and said bill was rejected.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill which originated in the Senate, entitled “an act to amend the law regulating the election of Electors,” and that the same was truly enrolled.

Ordered, That Mr. Yancey carry the same to the House of Representatives, for the signature of their Speaker.

On motion of Mr. Dudley, the Governor’s message covering a fac simile of the Declaration of Independence, was taken up and read as follows:

Gentlemen of the Senate,

The Secretary of State for the United States having forwarded to the Executive of Kentucky, copies of the original Declaration of Independence, under a resolution of Congress providing for their distribution, approved May 26th, 1824, one of which is destined for each branch of the Legislature, I have now the honor to transmit the accompanying fac simile copy to the Senate.

JOSEPH DESHA.

November 4, 1824.

On motion of Mr. J. Allen, leave was granted to bring in a bill to amend an act providing for the sale of the lands west of the Tennessee river; and Messrs. J. Allen, Hughes and Lockett were appointed a committee to prepare and bring in said bill.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which, upon motion, was taken up and read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives,

On my taking possession of the buildings allotted for the residence of the Governor, I found them to be in a state of such considerable decay, that repairs seemed to be absolutely necessary, not only for the accommodation and comfort of the occupants, but also for their preservation. I, therefore, requested three highly respectable citizens of this place, to examine the premises. They did so, and the result of their examination has been a report, a copy of which accompanies this communication. Agreeably to

their recommendation, I have caused such repairs to be made upon part of the buildings, as appeared essentially necessary. The bills of the workmen will be submitted to you at a proper time.

JOSEPH DESHA.

November 10th, 1824.

TO HIS EXCELLENCY GOVERNOR DESHA.

Sir:

Agreeable to your request, we, the undersigned, have taken a general view of the state of the Government House and furniture, and find the same to be in want of much repair. The first room on the right hand of the entrance from the street, will require new papering, and the whole of the house, inside and out, ought to be painted without delay. The windows, too, will require considerable repairs, much of the glass being broken, and some of the sashes and shutters having suffered by the dilapidation of time. A cellar door, &c. is also wanting, and some repairs will be needed on some of the buildings. Of furniture, there is but a small quantity, and that, from its long use, in very indifferent order.

Unless these repairs are made, and a considerable addition made to the furniture, we cannot conceive the house, &c. to be in a situation to accommodate yourself and family with comfort and convenience.

With great consideration and respect, we remain, sir,

Your obedient servants,

DANIEL WEISIGER,
WILLIAM HUNTER,
SAMUEL SOUTH.

Frankfort, Oct. 9th, 1824.

A true copy from the original in the office of the Secretary of State.

P. S. LOUGHBOROUGH, *Ass. Sec'y.*

Which was, together with the accompanying report, referred to a select committee of Messrs. Lockett, Hughes, Muldrow, J. Allen and C. Allan.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, a bill which originated in the Senate, entitled "an act to amend the law regulating the election of Electors."

A message from the House of Representatives, by Mr. Joyes:

Mr. Speaker—The House of Representatives have passed a bill to authorise the Secretary of State to furnish the Clerk of the circuit and county courts of the county of Spencer, with a Digest of the Statutes, and for other purposes; also, an act providing for the appointment of a Clerk to the General Court; in which bills they request the concurrence of the Senate.

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On motion of Mr. Beatty, leave was given to bring in a bill to give further indulgence to settlers on the lands acquired by the treaty of Tellico; and Messrs. Beatty, Dawson, Ballinger and Bowman were appointed a committee to prepare and bring in said bill.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign an enrolled bill which originated in the Senate, entitled "an act to amend the law regulating the election of Electors."

And then the Senate adjourned.

THURSDAY, NOVEMBER 11, 1824.

The Senate assembled.

Mr. Beatty presented the petition of Josiah Terry, praying a divorce from his wife, Nancy Terry; which was read, and with sundry accompanying documents, referred to the committee of religion.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which was, upon motion, taken up and read, together with an address from Mr. Hardin, Keeper of the Penitentiary, as follows, to wit:

*Gentlemen of the Senate,
and of the House of Representatives,*

I submit to your consideration a communication lately addressed to me by William Hardin, Esq. Keeper of the Kentucky Penitentiary.

JOSEPH DESHA.

November 11, 1824.

Frankfort, Ky. November 5, 1824.

DEAR SIR,

In your Message to the Legislature, I discover you have barely mentioned the Penitentiary. On a settlement with the Auditor from the 1st of October, 1821, up to the 1st of October, 1824, there is a balance due me for money advanced in that time, of \$2,307 61, for which I have obtained the Auditor's certificate, which is herewith enclosed. My funds and credit are exhausted; the money deposited by the Agent in the Treasury each week, latterly, is not sufficient to victual the convicts one day. I am, therefore, without funds to purchase clothing, fuel, victualling or raw materials for the convicts to work on. Without the immediate in-

terposition of the Legislature, the Institution must suffer a considerable loss, and the convicts suffer for the want of victuals, clothes and fuel.

Respectfully,

WILLIAM HARDIN.

State of Kentucky, Auditor's Office, Frankfort, Nov. 6, 1824.

I do certify, that a balance was due to William Hardin, Keeper of the Kentucky Penitentiary, on the first day of October last, of two thousand three hundred and seven dollars and sixty cents.

Given under my hand the date above.

PORTER CLAY, *Aud. Pub. Acc'ts.*

A true copy from the original in the office of the Secretary of State.

P. S. LOUGHBOROUGH, *Ass't. Sec'y.*

Ordered, That said documents lie on the table, for the present.

Mr. Lyon presented the petition of sundry citizens of the counties of Hickman, Calloway, Graves and M'Cracken, praying for the formation of a new judicial district, to be composed of those counties; which was referred to the committee for courts of justice.

Mr. Howard, from the select committee raised to prepare and bring in a bill for the benefit of securities, reported a bill for that purpose; which being read, was ordered to be read a second time.

Mr. Ewing, from the select committee raised for that purpose, reported a bill to provide for the sale of the vacant lands west of the Tennessee river; which was read, and on motion, (the second reading of said bill having been dispensed with,) it was ordered that 150 copies thereof be printed for the use of the General Assembly.

A message from the Governor, by Mr. Secretary Barry:

Mr. Speaker—I am requested by the Governor, to lay before the Senate sundry messages in writing.

Which messages, containing various nominations, subject to the rules of the Senate, lay one day on the table for consideration.

Mr. Lyon, from the select committee to which was referred the petition of the Justices of the Peace for Graves county, reported a bill, agreeably to the prayer of said petitioners, to legalize their proceedings; which was received, read, and ordered to be read a second time; when, on motion, the rule and constitutional provision requiring the second and third readings of said bill were dispensed with, and it was resolved that said bill do pass, and that the title thereof be, "an act to legalize the proceedings of the Graves county court."

Ordered, That Mr. Lyon carry said bill to the House of Representatives, and request their concurrence.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to regulate and curtail the jurisdiction of the General Court; which passed to a second reading.

Mr. J. Allen, from the select committee appointed for that purpose, reported a bill for the benefit of the heirs and representatives of David Allen, deceased; which passed to a second reading.

Upon motion of Mr. Howard,

Ordered, That the Clerk of the Senate be directed to purchase, for the use of this House, six copies of the Digest of the Statutes, and as many copies of the Session Acts which have been passed since the publication of said Digest.

Mr. Dudley, from the joint committee appointed to superintend the preparation of the buildings selected for the use and accommodation of the General Assembly at the present session, made a report to the Senate, which was received and read as follows:

The joint committee who were appointed for the purpose of having such arrangements made as were necessary for the accommodation of the present General Assembly, having performed the duty assigned them, submit the following report:

They caused the pews to be removed from the Meeting-House on the public square, and two chimneys, with spacious fire places, to be erected thereto, and the house so arranged as to afford ample and convenient room for the House of Representatives, with a spacious lobby and gallery for spectators. They have also directed a stove to be put up near each end of the lobby, which your committee hope and believe, will render the room both convenient and comfortable for the House of Representatives.

They also caused the Seminary to be fitted up in a manner to afford every facility to the Senate, in the dispatch of their business. This room is certainly too small to accommodate any considerable number of the members of the House of Representatives, who may be disposed to attend the debates of the Senate. They however believe, that from twelve to fifteen members of the House of Representatives, can be accommodated with seats within the bar of the Senate.

Your committee have provided cheap carpeting, sufficient to cover the floors in each room, with settees and chairs to accommodate the members of each House respectively, and those who may wish to attend the debates of the other.

They have also caused the way between the two Houses to be gravelled, which will render the communication easy and convenient.

Your committee cannot consent to close this report, without tendering their thanks to the citizens of Frankfort generally, and particularly the several mechanics who have been employed, for their

prompt and spirited exertions to have the necessary repairs completed, in so short a time, for the accommodation of the General Assembly.

J. DUDLEY, *Ch'm. S. C.*

T. KENNEDY, *Ch'm. H. R. C.*

P. S. Your committee have not ascertained the expence incurred in preparing the rooms; but believe it will be small.

Mr. Hughes read and laid on the table a joint resolution which contemplates the appointment of a committee on the part of the Senate and House of Representatives, on that part of the Governor's message which relates to the decisions of the Court of Appeals, with power to examine into the official conduct of the Judges of said Court, &c.

Mr. Dudley offered the following resolution, which was twice read and adopted, to wit:

Resolved, That the *fac simile* of the Declaration of Independence, which was transmitted to the Senate by his excellency the Governor, be delivered to the Secretary of State, who is hereby requested to have the same suitably framed, and carefully preserved in his office.

A bill entitled "an act concerning Constables," (the same having been previously engrossed,) was read a third time, and, on motion, re-committed to a select committee of Messrs. Ewing, Stephens and Dudley, for amendment.

A bill to extend the terms of the Bracken circuit court, was read a third time; and the question being taken on the passage thereof, (the same having been engrossed.)

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry said bill to the House of Representatives, for their concurrence.

A bill which originated in the House of Representatives, entitled "an act providing for the appointment of a Clerk to the General Court," was read; whereupon, the rule and constitutional provision requiring the second and third readings of said bill being dispensed with,

Resolved, That the said bill do pass, and that Mr. Dudley inform the House of Representatives thereof.

A bill from the House of Representatives, entitled "an act to provide a room for the Court of Appeals," was read, and ordered to be read a second time.

A bill from the House of Representatives, entitled "an act to authorise the Secretary of State to furnish the Clerk of the circuit and county courts of Spencer county with a Digest of the Statutes, and for other purposes," was read, when, on motion, the second reading of said bill was dispensed with, and the same was amend-

ed; and the rule, constitutional provision and third reading of said bill being dispensed with, the question was taken on the passage thereof, and decided in the affirmative.

Resolved, That the title of said bill be, "an act to authorise the Secretary of State to furnish the Clerks of the circuit and county courts of the counties of Meade, Oldham, and Graves, with a Digest of the Statutes."

Ordered, That Mr. Lyon inform the House of Representatives thereof, and request their concurrence in said amendments.

A bill to regulate civil proceedings, was taken up and read a second time, and, on motion of Mr. Bowman, referred to a committee of the whole house for to-morrow.

Mr. James Davidson, a member of the Senate from the counties of Lincoln and Rockcastle, appeared and took his seat.

A bill imposing a tax on Brokers, was read a second time, and, on motion, referred to a committee of the whole house for to-morrow.

A bill concerning attorneys at law, was read a second time, and, on motion, referred to a select committee of Messrs. Beauchamp, Stephens and C. Allan.

A bill to amend the penal laws of this Commonwealth, was read a second time, and, on motion, referred to a committee of the whole house for to-morrow.

Mr. Denny offered the following resolution, to wit:

Resolved, That the rules of the Senate be so far amended, as that the business originating in the House of Representatives shall not hereafter be placed in front of the orders of the day.

Which was twice read and adopted.

A message from the Governor, by Mr. Secretary Barry:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which, upon motion, (the rule being dispensed with in relation to nominations,) was taken up and read as follows:

Gentlemen of the Senate,

I nominate for your approbation, William S. Thomas, to be commissioned Notary Public in and for the county of Jefferson.

JOSEPH DESHA.

November 11, 1824.

Whereupon it was resolved that the Senate do advise and consent to said nomination, and that Messrs. Denny and Yancey inform the Governor thereof; which was duly certified.

On motion of Mr. Hughes, leave was given to bring in a bill to amend an act entitled "an act to incorporate the Lexington and Louisville Turnpike Road Company, and to incorporate the Lexington and Maysville Turnpike Road Company;" and the following committee was appointed to prepare and bring in said bill, to wit: Messrs. Hughes, Hickman, Flournoy and J. Ward.

Mr. W. B. O'Bannon, from the select committee appointed for that purpose, reported a bill to take the sense of the good people of this commonwealth on the expediency of calling a convention; which passed to a second reading.

And then the Senate adjourned.

FRIDAY, NOVEMBER 12, 1824.

The Senate assembled.

Mr. Howard presented the petition of Polly Gillaspie, praying to be divorced from her husband; which was received, read, and referred to the committee of religion.

Mr. W. B. O'Bannon presented the petition of Rodham Kinner, praying to be divorced from his wife; which (the notice required by the rules of the Senate not accompanying said petition) was rejected.

A message from the House of Representatives, by Mr. ———.

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act to extend the terms of the Bracken circuit court, and an act to legalize the proceedings of the Graves county court.

And then he withdrew.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to provide for the safe-keeping of Francis Erwin;" they have concurred in amendments made by the Senate to a bill which originated in that house, entitled "an act to authorise the Secretary of State to furnish the Clerks of the circuit and county courts of the county of Spencer, with a copy of the Digest of the Statutes, and for other purposes;" they have passed a bill entitled "an act for the benefit of Henry B. Montague," and have adopted resolutions appointing joint committees to examine the situation of the Treasurer's, Auditor's, and Register's offices, and to appoint a joint committee to examine and report the situation of the Bank of Kentucky; in which they request the concurrence of the Senate.

Mr. Dudley, who voted in the majority upon the question referring the petition of Polly Gillaspie, moved a re-consideration of said vote; which was decided in the negative.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill which originated in the House of Representatives, entitled "an act providing for the appointment of a Clerk to the General Court;" also, a resolution appointing a joint committee to visit Transylvania University and the Lunatic Asylum at Lexington, and to examine into the accounts of the same; and that the same were truly enrolled.

Ordered, That Mr. Yancey carry said bill and resolution to the House of Representatives, for the signature of their Speaker.

Mr. Lyon presented the petition of William B. Duncan, praying that some means may be devised, by which he may obtain compensation for services rendered by himself as sheriff, and by his guard, who had in charge a prisoner charged with felony, previous to the erection of a jail in Hickman county; which, upon motion, was, with the accompanying documents, referred to the committee for courts of justice.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to provide for the reporting of the decisions of the Court of Appeals; which passed to a second reading, when, on motion, the second reading of said bill was dispensed with.

Mr. Wickliff moved that said bill be referred to a committee of the whole house; and the question being taken thereon, it was decided in the negative, and the same was, on motion of Mr. Dudley, referred to a select committee of Messrs. Dudley, Hughes, Yancey, Denny and Bowman, for amendment.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, to whom was referred the petition of sundry settlers west of the Tennessee river, praying that a law may pass to authorize a sale of the public lands lying south-west of said river, and that a pre-emptive right for twelve months be granted to actual settlers to their settlements and improvements, have, according to order, had the same under consideration, and have come to the following resolution thereupon, to wit:

Resolved, That the prayer of said petitioners, under proper restrictions, ought to be granted.

Which was twice read and concurred in.

Mr. Ewing, from the select committee to which was referred a bill concerning Constables, reported the same with an amendment, which was adopted, and the bill ordered to be re-engrossed and read a third time on to-morrow.

Mr. Ewing read and laid on the table a joint resolution for the removal of so much of the chimneys as project above the walls of the state-house; and, on motion, (the rule being dispensed with,) said resolution was taken up, twice read and adopted.

Ordered, That Mr. Ewing carry the same to the House of Representatives, for their concurrence.

A message from the House of Representatives, by Mr. Brents:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the heirs and devisees of Cliff Hazlewood, and of the devisees of Jacob Ball, deceased;" in which bill they request the concurrence of the Senate.

On motion of Mr. Dudley, the resolution offered on yesterday, appointing a joint committee on that part of the Governor's communication which relates to the decisions of the Court of Appeals, was taken up and read; which being amended, Mr. Carneal moved to commit the same to a select committee, which was decided in the negative.

Mr. Lockett moved to lay said resolution on the table for the present; which motion was decided in the negative.

Mr. Carneal moved to commit said resolution to a select committee, which was decided in the negative.

Mr. Carneal again moved to commit said resolution to a select committee, which was determined in the negative.

Whereupon the same was again amended.

Mr. C. Allan moved to lay said resolution on the table for the present; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beauchamp and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Denny, Hickman, Howard, Lockett, Muldrow, White and Wickliff—11.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Dawson, Dudley, Ewing, Hughes, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Smith, Stephens, Worthington and Yancey—18.

Mr. Stephens offered an amendment, providing that if, in the opinion of said committee, the official acts of said Judges merited their removal by address, said proceeding should be commenced in the House of Representatives; which was rejected.

Said resolution, as amended, was then twice read as follows, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of four from the Senate and eight from the House of Representatives, be raised upon that part of the Governor's communication which relates to the decisions of the Judges of the Court of Appeals, with power to examine into the official conduct of the Judges of that court, and report thereupon by address for their removal, if the result of their enquiries may, in their opinion, justify it; and that the said committee shall have power to send for persons, papers and records, for their information.

And the question being taken on the adoption of the same, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Howard and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Dawson, Denny,

Dudley, Ewing, Hughes, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey—18.

Those who voted in the negative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Hickman, Howard, Lockett, Muldrow, Stephens, White and Wickliff—11.

Ordered, That Mr. Hughes carry said resolution to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Patterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Barbara Price;" in which bill they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Williams:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of John Cocke;" in which bill they request the concurrence of the Senate.

And then the Senate adjourned.

SATURDAY, NOVEMBER 13, 1824.

The Senate assembled.

Mr. Mayo, a member of the Senate from the counties of Bath, Floyd, Morgan and Pike, appeared and took his seat.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill entitled "an act to extend the terms of the Bracken circuit court;" also, "an act to legalize the proceedings of the county court of Graves county;" and that the same were truly enrolled.

Ordered, That Mr. Yancey carry said bills to the House of Representatives, for the signature of their Speaker.

A message from the House of Representatives, by Mr. Brents:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of James M'Caughan," in which they request the concurrence of the Senate.

Mr. Maccoun, from the select committee raised for that purpose, reported a bill to regulate the issuing of tavern licenses; which passed to a second reading.

Mr. Howard, from the select committee to which was referred the petition of sundry citizens of Madison county, praying a change in the State road at the Big Hill in Madison county, reported (agreeably to the prayer of said petition) a bill to the Senate, which was ordered to be read a second time; whereupon, the rule, constitutional provision, and second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be, "an act to amend the law establishing the Wilderness Road."

Ordered, That Mr. Howard carry said bill to the House of Representatives, and request their concurrence.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Speaker of the House of Representatives, and had obtained his signature to bills and a resolution of the following titles, to wit: An act to extend the terms of the Bracken circuit court; a resolution for appointing a joint committee to visit Transylvania University and the Lunatic Asylum at Lexington, to examine into the accounts of the same; an act providing for the appointment of a Clerk to the General Court; an act to legalize the proceedings of the county court of Graves county; an act to authorise the Secretary of State to furnish the Clerks of the circuit and county courts of the counties of Spencer, Meade, Oldham and Graves with a Digest of the Statutes, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Yancey carry said bills and resolution to the Governor, for his approbation and signature; who, in a short time, reported that he had discharged that duty.

Mr. Dudley, from the select committee to which was referred a bill to provide for the reporting of the decisions of the Court of Appeals, reported the same with an amendment, which was concurred in; when, on motion of Mr. Wickliff, said bill, as amended, was re-committed to a select committee of Messrs. Wickliff, Beauchamp, Howard and Carneal, for further amendment.

A message from the House of Representatives, by Mr. J. M. McConnell:

Mr. Speaker—The House of Representatives have adopted a resolution concerning the Penitentiary, in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. J. M. McConnell:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the insertion of certain advertisements in the Kentucky Farmer;" in which bill I am instructed to request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Shortridge:

Mr. Speaker—The House of Representatives have concurred in a resolution which originated in the Senate, appointing a joint committee on that part of the Governor's communication which relates to the decisions of the Appellate Court; and they have passed a resolution authorising the Executive of this Commonwealth to invite to our State, and make suitable preparations for the reception of General La Fayette, the Nation's Guest, &c. in which they request the concurrence of the Senate.

Which latter resolution, on motion of Mr. Yancey, was taken up, twice read, and unanimously concurred in.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Litton:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the benefit of the deputies of James Chambers, deceased, late Sheriff of Mason county, and an act to amend the law establishing the Wilderness Road. They have also passed a bill which originated in that house, entitled "an act further to regulate the debt due the Commonwealth for the sale of vacant lands acquired by the treaty of Tellico;" in which bill they request the concurrence of the Senate.

On motion of Mr. Ewing, a resolution from the House of Representatives, appointing joint committees to examine and report the state of the public offices, was taken up, twice read, and concurred in.

Ordered, That Mr. Lyon inform the House of Representatives thereof.

On motion of Mr. Dudley, the resolution from the House of Representatives, concerning the Penitentiary, was taken up, twice read, and concurred in.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Triplett:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the inhabitants of the town of Owenborough to elect the trustees of said town;" in which bill they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled resolution which originated in the Senate, appointing a joint committee on that part of the Governor's communication which relates to the decisions of the Judges of the Court of Appeals, to enquire into the official conduct of said Judges, &c.; that the same was truly enrolled, and that the Speaker of the House of Representatives had affixed his signature thereto.

Whereupon the signature of the Speaker of the Senate was also affixed to said resolution.

Ordered, That Mr. Yancey lay the same before the Governor, for his approbation and signature.

On motion, the Senate took up the following messages from the Governor, covering sundry nominations, to wit:

Gentlemen of the Senate,

Since the expiration of the last session of the General Assembly, sundry vacancies have taken place in the military depart-

ment, which have been filled with commissions to expire at the end of the present session. I therefore nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour and residence within the bounds of their respective commands, viz.

William Hodge, colonel of the 107th regiment, vice Denton Darby, resigned, to take rank from the 13th January 1824.

John H. Bigger, lieutenant-colonel of the same regiment, vice William Hodges, if promoted, to take rank from the same date.

John Lanier, major of the same regiment, vice John H. Bigger, if promoted, to take rank from the same date.

James C. Collins, brigade quartermaster of the 21st brigade, vice H. G. Tompkins, who refused to qualify.

William C. Prewitt, colonel of the 8th regiment, vice John Wallace, resigned, to take rank from the 11th February 1824.

Ambrose Dudley, lieutenant-colonel of the same regiment, vice William C. Prewitt, if promoted, to take rank from the same date.

John R. Dunlap, major of the same regiment, vice Ambrose Dudley, if promoted, to take rank from the same date.

James M. Wright, major of the 2d regiment, vice John Brown, to take rank from the 12th February 1824.

Drury W. Poor, colonel of the 91st regiment, vice Frederick Weller, resigned, to take rank from the 20th February 1824.

George W. Call, lieutenant-colonel of the same regiment, vice Drury W. Poor, if promoted, to take rank from the same date.

James H. Nourse, major of the same regiment, vice Drury W. Poor, promoted, to take rank from the same date.

George Martin, lieutenant-colonel of the 98th regiment, vice James Vanhooze, resigned, to take rank from the 2d March 1824.

Samuel Harbinson, colonel of the 18th regiment, vice George Percy, resigned, to take rank from the same date.

Andrew White, lieutenant-colonel of the same regiment, vice Samuel Harbinson, if promoted, to take rank from the same date.

George Burgen, major of the same regiment, vice Andrew White, if promoted, to take rank from the same date.

Allen Trigg, major of the 47th regiment, vice W. Hamilton, promoted, to take rank from the 5th March 1824.

James Patterson, colonel of the 12th regiment, vice John Williamson, resigned, to take rank from the 9th March 1824.

Benjamin B. Ballard, lieutenant-colonel of the same regiment, vice James Patterson, if promoted, to take rank from the same date.

William Johnson, major of the same regiment, vice Benjamin B. Ballard, if promoted, to take rank from the same date.

Moses Wright, colonel of the 90th regiment, vice James White, resigned, to take rank from the 24th March 1824.

Joshua Baster, lieutenant-colonel of the same regiment, vice Moses Wright, if promoted, to take rank from the same date.

Enos Cook, major of the same regiment, vice Joshua Buster, if promoted, to take rank from the same date.

Stockdon Dodson, colonel of the 53d regiment, vice Joseph Sallee, resigned, to take rank from the same date.

Hial Bertram, lieutenant-colonel of the same regiment, vice S. Dodson, if promoted, to take rank from the same date.

John Magers, major of the same regiment, vice Hial Bertram, if promoted, to take rank from the same date.

Bryant Serieur, major of the 105th regiment, vice Carter Hutchinson, resigned, to take rank from the same date.

Charles F. Burton, major of the 43d regiment, vice Andrew W. Knox, resigned, to take rank from the same date.

Thomas C. Green, colonel of the 17th regiment, vice Thomas T. Bush, resigned, to take rank from the 16th May 1823.

Barnett Parish, lieutenant-colonel of the same regiment, vice Thomas C. Green, if promoted, to take rank from the same date.

Thomas Alexander, colonel of the 114th regiment, vice Alfred Metcalfe, who refused to accept, to take rank from the 19th April 1824.

John Berry, colonel of the 34th regiment, vice Jeremiah C. Orear, resigned, to take rank from the same date.

Aquilla Young, lieutenant-colonel of the same regiment, vice John Berry, if promoted, to take rank from the same date.

Oliver Caldwell, major of the same regiment, vice Aquilla Young, if promoted, to take rank from the same date.

Henry C. Payne, colonel of the 10th regiment, vice John Graves, resigned, to take rank from the same date.

James B. January, lieutenant-colonel of the same regiment, vice Henry C. Payne, if promoted, to take rank from the same date.

Stephenson Irwin, major of the same regiment, vice James B. January, if promoted, to take rank from the same date.

Edmund Pendleton, colonel of the 36th regiment, vice Colby H. Taylor, resigned, to take rank from the 16th May 1823.

John Clinkinbeard, lieutenant-colonel of the same regiment, vice Michael Flinn, resigned, to take rank from the same date.

Spencer Holloway, major of the same regiment, vice Edward Young, resigned, to take rank from the 19th April 1824.

Joshua Render, colonel of the 49th regiment, vice Robert Barnett, promoted, to take rank from the 24th April 1824.

Jesse Mosely, lieutenant-colonel of the same regiment, vice Joshua Render, if promoted, to take rank from the same date.

William A. Carter, major of the same regiment, vice Jesse Mosely, if promoted, to take rank from the same date.

John Field, colonel of the 73d regiment, vice William Newton, promoted, to take rank from the same date.

William P. Hadson, major of the same regiment, vice John Field, if promoted, to take rank from the same date.

David Carr, lieutenant-colonel of the 103d regiment, vice Blaneet Shacklett, promoted, to take rank from the 27th April 1824.

William Dowell, major of the same regiment, vice David Carr, if promoted, to take rank from the same date.

John Williams, major of the 72d regiment, vice Arthur Davis, to take rank from the 29th April 1824.

Jarvis Jackson, colonel of the 75th regiment, vice Joseph Eve, promoted, to take rank from the 14th May 1824.

Benjamin Tuggle, lieutenant-colonel of the same regiment, vice Jarvis Jackson, if promoted, to take rank from the same date.

Leighton Ewell, major of the same regiment, vice Benjamin Tuggle, if promoted, to take rank from the same date.

Jeremiah Adkins, lieutenant-colonel of the 89th regiment, to take rank from the same date.

John S. Laughlin, major of the same regiment, to take rank from the same date.

Peter Dudley, colonel of the 22d regiment, vice Thomas G. Hancock, resigned, to take rank from the 15th May 1824.

Thomas L. Tate, lieutenant-colonel of the same regiment, vice Peter Dudley, if promoted, to take rank from the same date.

Jonathan Karsner, major of the same regiment, vice Thomas L. Tate, if promoted, to take rank from the same date.

Richard Gade, major of the 38th regiment, vice Joseph Thomas, resigned, to take rank from the 22d May 1824.

Maurice L. Miller, major of the 1st regiment, vice William Elliott, who refused to qualify, to take rank from the same date.

Samuel Smith, brigade quartermaster of the 5th brigade, vice R. Moore, resigned.

Jacob Heiskan, colonel of the 99th regiment, vice Richard Hazel, resigned, to take rank from the 14th June 1824.

Thomas H. Gaines, lieutenant-colonel of the same regiment, vice Samuel Durham, removed, to take rank from the same date.

Stephen Hardin, major of the same regiment, vice Jacob Heiskan, if promoted, to take rank from the same date.

Jonathan Crauch, lieutenant-colonel of the 114th regiment, vice James Parks, who refused to accept, to take rank from the 15th June, 1824.

Gregory Hawkins, major of the same regiment, vice Jonathan Crauch, if promoted, to take rank from the same date.

Reuben Adams, colonel of the 100th regiment, vice Thomas Woolfolk, resigned, to take rank from the same date.

John Bourne, lieutenant colonel of the same regiment, vice Reuben Adams, if promoted, to take rank from the same date.

Samuel Armstrong, major of the 102d regiment, vice James Mansfield, who refused to accept, to take rank from the 2d July 1824.

John Breathitt, division inspector of the 1st division, vice Robert H. Hunter, resigned.

Samuel H. Curd, division quartermaster of the 1st division, vice John Breathitt, if promoted.

Jesse Lansdale, major of the 100th regiment, vice John Woolfolk, resigned, to take rank from the 12th July 1824.

Alney McLean, brigadier general of the 17th brigade, vice W. R. Weir, resigned, to take rank from the 17th July 1824.

Richard L. Smith, colonel of the 74th regiment, vice William Freeman, resigned, to take rank from the 31st July 1824.

Thomas Blain, lieutenant-colonel of the same regiment, vice R. L. Smith, if promoted, to take rank from the same date.

Thomas Ferrell, major of the same regiment, vice Thomas Blain, if promoted, to take rank from the same date.

JOSEPH DESHA.

November 11, 1824.

Gentlemen of the Senate,

Since the expiration of the last session of the General Assembly, sundry vacancies have taken place in the military department, which have been filled with commissions to expire at the end of the present session. I therefore nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour and residence within the bounds of their respective commands, viz.

Robert Rhemes, lieutenant-colonel of the 101st regiment, vice Arthur Megaughey, resigned, to take rank from the 16th September 1824.

Jacob Bumgardner, major of the same regiment, vice Robert Rhemes, if promoted, to take rank from the same date.

Mark Whitaker, lieutenant-colonel of the 66th regiment, vice Robert Davis, deceased, to take rank from the same date.

Jacob V. Chenowith, major of the same regiment, vice Mark Whitaker, if promoted, to take rank from the same date.

Robert W. Ragland, lieutenant-colonel of the 25th regiment, vice Samuel I. McDowell, deceased, to take rank from the 17th September 1824.

John A. White, major of the same regiment, vice Robert W. Ragland, if promoted, to take rank from the same date.

Joseph Hughes, lieutenant-colonel of the 24th regiment, vice Thomas Elder, resigned, to take rank from the same date.

John Clemens, major of the same regiment, vice Joseph Hughes, if promoted, to take rank from the same date.

Edmund Baxter, major general of the 2d division, vice Green Clay, resigned.

William Craig, division quartermaster of the said division.

John S. Smith, division inspector of the said division.

William Martin, colonel of the 40th regiment, vice Alney M. Lean, if promoted, to take rank from the 22d September 1824.

Henry Black, lieutenant-colonel of the same regiment, vice W. Martin, if promoted, to take rank from the same date.

William Campbell, major of the same regiment, vice Henry Black, if promoted, to take rank from the same date.

Joseph Strangham, colonel of the 7th regiment, vice William Williams, deceased, to take rank from the same date.

George Shackelford, lieutenant-colonel of the same regiment, vice Joseph Strangham, if promoted, to take rank from the same date.

Joseph Harrow, colonel of the 31st regiment vice Robert Botts, resigned, to take rank from the 5th October 1824.

Thaddeus Williams, lieutenant-colonel of the same regiment, vice Joseph Harrow, if promoted, to take rank from the same date.

William Wilkerson, major of the same regiment, vice Thaddeus Williams, if promoted, to take rank from the same date.

William Reed, major general of the 7th division, vice Richard Soward, resigned.

James Harrison, colonel of the 58th regiment, vice David Goodwin, resigned, to take rank from the 11th October 1824.

St. Clair Emmons, lieutenant-colonel of the same regiment, vice James Harrison, if promoted, to take rank from the same date.

Lemuel Hunt, major of the same regiment, vice St. Clair Emmons, if promoted, to take rank from the same date.

Samuel Estill, brigadier general of the 13th brigade, vice Edmund Baxter, if promoted, to take rank from the 14th October 1824.

William D. Scott, colonel of the 37th regiment, vice Meredith Hiatt, resigned, to take rank from the 29th October 1824.

William G. Boyd, lieutenant-colonel of the same regiment, vice William D. Scott, if promoted, to take rank from the same date.

JOSEPH DESHA.

November 11th, 1824.

Gentlemen of the Senate,

I nominate for your advice and consent, Benjamin D. Fowler, Sheriff of the county of Campbell; and Charles E. Wolfe, Notary Public in and for the county of Mason.

JOSEPH DESHA.

November 11, 1824.

Whereupon it was resolved that the Senate do advise and consent to said nominations respectively.

Ordered, That Messrs. Smith and Hickman inform the Governor thereof, the same being duly certified.

Mr. Bowman, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the bills and resolution last signed by the Speaker.

On motion of Mr. Lockett, leave was granted to bring in a bill to regulate Sheriffs' and Constables' sales; and the following committee was raised to prepare and bring in said bill, to wit: Messrs. Lockett, Stephens, Mayo and Beauchamp.

A bill concerning Constables, (the same having been re-engrossed,) was read a third time; and the question being taken on the passage of said bill, it was decided in the affirmative—Yeas 21, nays 8.

The yeas and nays being required thereon by Messrs. Stephens and Hickman, were as follows:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beauchamp, Bowman, Carneal, Davidson, Ewing, Hickman, Howard, Hughes, Lockett, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, Stephens, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Beaty, Dawson, Dudley, Lyon, P. N. O'Bannon, White and Wickliff.

Ordered, That the title of said bill be as aforesaid, and that Mr. Stephens carry the same to the House of Representatives, for their concurrence.

A bill to regulate and curtail the jurisdiction of the General Court, was read a second time; when, on motion of Mr. Dudley, the same was committed to a select committee of Messrs. Dudley, C. Allan, Hughes and Ewing, for amendment.

A bill for the benefit of securities, was read a second time, and, on motion of Mr. Beauchamp, committed to a select committee of Messrs. Beauchamp, C. Allan, Hughes and Howard, for amendment.

A message from the House of Representatives, by Mr. Forest:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the county court of Washington county to appoint one additional Constable in said county, and for other purposes;" in which bill the concurrence of the Senate is requested.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in the Senate, of the following

titles, to wit: An act to legalize the proceedings of the county court of Graves county, and an act to extend the terms of the Bracken circuit court.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the resolution last signed by the Speaker,

And then the Senate adjourned.

MONDAY, NOVEMBER 15, 1824.

The Senate assembled.

The Speaker laid before the Senate a letter from the Chairman of the Board of Trustees for the Asylum of the Deaf and Dumb, covering the annual report of said institution; which were read as follows, to wit:

The Hon. ROBERT B. M'AFEE,

Speaker of the Senate,

I have the honor to submit the annual report of the Trustees of the Kentucky Institution for the instruction of the Deaf and Dumb,

I am, sir, very respectfully,

Your obedient servant,

DAVID G. COWAN, *Ch'm.*

of Committee of Trustees.

November 15, 1824.

To the honorable the General Assembly of the Commonwealth of Kentucky.

The Trustees of the Kentucky institution for the instruction of the deaf and dumb, respectfully submit the following report:

During the past year, the institution over which they have the honor to preside, has been in successful progress to effectuate the objects contemplated by the Legislature. They have used all the means in their power to effect the objects and end of this truly benevolent and philanthropic institution.

Your Trustees, from the information acquired from experience and otherwise, soon ascertained, that to carry into complete and successful operation, an institution so novel and unique in its character, more expence must be incurred and more difficulties overcome, than in any ordinary institution for the instruction of youth, in proportion to the number taught. They have also ascertained, that it is a matter of no small difficulty to procure competent

instructors for this interesting and unfortunate portion of our species. The increased demand for instruction of deaf and dumb persons in the school under our charge, rendered it imperiously necessary to employ an additional instructor, if to be obtained. Upon a full and dispassionate consideration of this subject, they were led to the conclusion, that the only certain and practicable way to supply our want, was, to select a suitable person, and cause him to be properly taught and qualified as instructor, in some older institution. We are happy to say, that our endeavors have been successful. We have made an engagement with a young gentleman, in whom we have implicit confidence, both as to capacity and integrity, whom we have sent to the oldest in the United States, and probably the best institution of the kind in the world for instruction, and when properly qualified, he will return and take a station as a permanent teacher, and from his services will repay the advances made for his support while absent for instruction. From information received since his arrival at Hartford, Connecticut, we hope for his return home some time during the next summer or fall. The course pursued by your Trustees upon this subject, is the one recommended by all the elder institutions in the United States, and which they have been obliged to adopt, such is the paucity of institutions for the deaf and dumb, and consequent scarcity and impracticability of obtaining teachers competent to the task.

Since the last session of the General Assembly, your Trustees presented their petition to the Congress of the United States, praying an endowment from the national funds. This petition was favorably received by that body; but owing to the pressure of business and lateness of the session, the bill reported for their benefit was not finally acted upon. They hope, however, for a favorable result at the ensuing session.

The pupils, during the past year, have enjoyed a good degree of health; few cases of illness having occurred, and those not of serious character. They are cheerful and happy in their present situation, and seem relieved from that sense of loneliness which usually attends a deaf mute, when in the society of persons with whom he is unable to interchange ideas. With each other, and with the instructors, they can all converse by signs with the utmost facility. They are much attached to the instructors and matron, and those persons who manifest an interest in their welfare. The superintendent and matron, have faithfully discharged the duty assigned them, of watching over and taking care of the morals, health, comfort, &c. of the pupils. Their improvement in the knowledge of language, written and symbolical, has equalled our most sanguine expectations. As they enlarge their stock of knowledge, their industry and attention to study are correspondently increased.

The papers herewith submitted, will exhibit the receipts and expenditures, names and residence of the pupils, &c.

It is an object much desired by your Trustees, to obtain buildings better adapted to the purposes of the institution, than those now occupied, as the present number of pupils is nearly as great as can well be accommodated and taught in them. Your trustees are fully sensible of the liberality of the General Assembly on former occasions. They are also aware of the fact, that the public Treasury is not in a situation to make further donations at present; they therefore forbear to ask any. They, however, take this opportunity to return to the General Assembly, on behalf of those children of misfortune, under their charge, and who are now reaping the advantages growing out of former donations, and who are, by the mysterious dispensations of Providence, denied the powers of utterance, their heartfelt thanks for the care and sympathy shewn for their unhappy condition. Your Trustees express what we know they feel.

By order of the Board,

D. G. COWAN,	} Committee.
B. H. PERKINS,	
J. FISHER,	
CH's. HENDERSON,	

November 4th, 1824.

KENTUCKY INSTITUTION FOR THE TUITION OF THE DEAF AND DUMB.

Trustees.—Hon. John Boyle, L. L. D. chairman; James Barbour, treasurer; James Birney, Thomas Montgomery, Samuel M'Kee, Rev. Thomas Cleland D. D. Samuel K. Nelson, David G. Cowan, Ephraim M'Dowell, William Craig, Jeremiah Fisher, Edward Worthington, B. H. Perkins, William Miller, J. M'Dowell, Rev. John S. Higgins, M. G. Youce, Charles Henderson, James Harlan, secretary.

Officers.—Rev. John R. Kerr, superintendent; Frances Kerr, matron; Dewitt Clinton Mitchell, principal teacher; John Addison Jacobs, assistant teacher.

Physicians.—Joseph Weisiger and Alban G. Smith.

Monthly Committee of Superintendence.—1st, David G. Cowan, B. H. Perkins; 2d, James Barbour, William Miller; 3d, Ephraim M'Dowell, Jeremiah Fisher.

Visiting Committee of Ladies.—Mrs. Youce, Mrs. Finlay, Mrs. Rochester, Mrs. Whelan, Mrs. Caldwell, Mrs. Bell, Mrs. Moore, Mrs. Akin, Mrs. Cocke, Mrs. Henderson, Mrs. Reed, Mrs. Chamberlain.

PUPILS IN THE ASYLUM ON 3D NOVEMBER, 1824.

NAMES.	Age.	Admitted	Residence.	Remarks.
1823.				
Jabez Gaddie,	17	April 10	Green county,	Orphan, unable to pay.
Eveline Sherrill,	13	do.	do.	do. do.
Rebecca Machen,	28	May 20	Simpson county,	Pays all charges.
Wm. Morehead,	14	do.	Lincoln county,	Unable to pay.
Martha Railey,	22	June 12	Woodford county,	Pays all charges.
Moses Lewellin,	16	July 1	Shelby county,	Unable to pay.
Edith Lewellin,	14	do.	do.	do.
John Goggin,	22	July 9	Madison county,	Pays all charges.
William Grissom,	18	do.	Adair county,	do.
Barney M'Mahon,	13	July 23	Jefferson county,	Entirely indigent.
John Withers, Jr.	22	Aug. 20	Lincoln county,	Pays all charges,
John Hoke,	26	Oct. 27	Jefferson county,	do.
Thos. Hoagland,	31	Nov. 3	Fayette county,	Paid to 4th September last.
Samuel Strickler,	24	Nov. 10	Scott county,	Unable to pay.
Nancy McCleskey	26	Nov. 19	Livingston county	do.
Narcissa Fowler,	16	do.	do.	do.
1824.				
Seburn Goins,	13	Feb. 12	Franklin county,	Pays all charges.
Enoch Wright,	29	Feb. 17	Wayne county,	Unable to pay.
Billy Holloway,	29	July 9	Alabama,	Pays all charges.
John White,	13	Sept. 6	Jessamine county,	Unable to pay.
Jacob Sagaser,	22	do.	do.	do.
Beverly Parker,	28	Sept. 7	Fayette county,	do.
Martin Reed,	12	Sept. 11	Woodford county,	do.
Isaac Jones,	18	Oct. 8	Nelson county,	do.
Thos. Gatewood,	21	Oct. 11	do.	do.
Matilda Grissom,	13	Oct. 30	Adair county,	do.

Discharged in July last, Larry Hall, who was unable to pay.

Kentucky Institution for the tuition of Deaf and Dumb, in account with the Commonwealth.

DEBIT.

1823, Nov. 3—To balance on hand, exclusive of tuition fees,	\$1,934 77
Dec. 3—Cash received for support of indigent pupils,	251 72
1824, May—Appropriation of last Legislature,	3,000
For support of indigent pupils,	615 87½
	<hr/>
	\$5,302 36½

CREDIT.

1824	
April—By cash for glass, nails, &c. for building, &c.	
stove for school room,	53 50
For binding books,	3 00
Mr. Mitchell's salary from 3d November 1823, to 3d November 1824,	1,000 00
His boarding from 5th October, 1823, to 3d November, 1824,	107 64—1,107 64

Mr. Beauchamp offered, by way of amendment, a substitute for said bill, which was adopted.

On motion of Mr. Dudley, (the orders of the day being dispensed with,) the Senate resolved itself into a committee of the whole upon the state of the Commonwealth, Mr. Faulkner in the chair; and after some time spent therein, the committee rose, and Mr. Faulkner reported, that the committee had had under consideration "a bill to take the sense of the good people of this Commonwealth on the expediency of calling a Convention," and were prepared to report, if it was the pleasure of the Senate then to receive it.

Whereupon said report was called for, and the aforesaid bill was reported without amendment; and the question recurred, shall the bill be engrossed and read a third time? Which was decided in the affirmative—Yeas 22, nays 13.

The yeas and nays being required thereon by Messrs. C. Allan and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Stephens, J. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Dudley, Faulkner, Flournoy, Hickman, Howard, Lockett, Muldrow, Smith and White.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Dallam:

Mr. Speaker—The House of Representatives have passed a bill, entitled "an act for the benefit of Thomas Burgess, a free mulatto;" in which they request the concurrence of the Senate.

Mr. Howard offered the following resolution, which being twice read, was adopted, to wit:

Resolved, That the Clerk of the Senate be authorised and instructed to procure, for the Senate Chamber, a Press to contain the books and stationery of the Senate, of such size as may be convenient, and of a plain kind.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills and a resolution of the following titles, to wit: An act to provide for the safe-keeping of Francis Erwin; an act to amend the law establishing the Turnpike and Wilderness Road; an act for the benefit of the deputies of James Chambers, deceased, late Sheriff of Mason county; a resolution directing the chimneys of the Capitol to be removed; and that the said bills and resolution were truly enrolled.

Ordered, That Mr. Yancey carry the same to the House of Representatives, for the signature of their Speaker.

Mr. Carneal offered the following resolution, which was twice read and adopted, to wit:

Resolved, That a committee be appointed to examine into the practicability of having the Senate Chamber enlarged, by removing or changing the situation of the partition wall in the house; and that said committee cause the same to be done, if safe and practicable.

And thereupon Messrs. Carneal, Dudley and Ewing were appointed a committee pursuant thereto.

The following committees were appointed on the part of the Senate, pursuant to a joint resolution appointing committees to examine and report the condition of the public offices, to wit: On that part of said resolution which relates to the Auditor's office, Messrs. Faulkner, Hickman and Lockett; on that part of said resolution which relates to the Treasurer's office, Messrs. Davidson, Maccoun and Worthington; on that part of said resolution which relates to the Register's office, Messrs. Yancey, Beatty and Mayo.

And then the Senate adjourned.

TUESDAY, NOVEMBER 16, 1824.

The Senate assembled.

Mr. Forsythe presented the petition of David Clarkson, administrator of Michael Graves, deceased, praying the passage of a law authorizing the sale of certain lands, &c.; which, on motion, was referred to the committee for courts of justice.

Mr. Hughes presented the petition of Elizabeth Dickerson and others, praying in behalf of said widow and heirs, the passage of a law authorizing the sale of certain estate; which was also, on motion, referred to the committee for courts of justice.

Mr. Crutcher presented the petition of sundry citizens of Meade county, praying that the land on which the seat of justice for said county was located, may be vested, by a special act of the Legislature, in the trustees of said town, &c.; which, on motion, was referred to the committee of propositions and grievances.

Mr. Crutcher also presented the petition of sundry citizens of Meade county, praying that the place for holding the courts for said county of Meade, may be changed from John Rush's to Little York, &c.; which was likewise, upon motion, referred to the committee of propositions and grievances.

Mr. Crutcher also presented the petition of sundry citizens of Hardin and Meade counties, praying for the opening a state road

from Huffman's Ferry, on the Ohio river, to Bowlinggreen; which was read and referred to the committee of propositions and grievances.

Mr. Carneal presented the petition of Samuel Drake, praying that the tax levied by law upon shows, &c. may be remitted, so far as relates to theatrical performances, &c.; which was, on motion, referred to the committee of propositions and grievances.

Mr. Carneal obtained leave to report a bill to amend the law concerning escheats; whereupon the same was reported and read, and on motion of Mr. Carneal, the second reading of said bill being dispensed with, the same was referred to the committee for courts of justice.

Mr. Beauchamp, from the select committee to which was referred a bill to provide for the reporting of the decisions of the Court of Appeals, reported said bill with amendments.

Mr. Wickliff moved to lay said bill and amendments on the table for the present; and the question being taken thereon, it was decided in the negative.

Mr. Dudley moved to commit said bill to a committee of the whole on the state of the commonwealth for Friday next; which was decided in the affirmative.

The Speaker laid before the Senate a communication from the Treasurer, announcing a loss of money, on the morning of the 4th instant, it being the day on which the Capitol was consumed by fire, and requesting a committee to be appointed to enquire into the circumstances attending said loss; which was read, and for the present, ordered to lie on the table.

Mr. Stephens moved to take up the Governor's message, laid before the Senate on yesterday, containing nominations of Judges for the 8th and 10th judicial districts; which was read as follows:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, who now hold commissions that will expire with the present session, to be commissioned during good behaviour, viz.

Benjamin Monroe, to be commissioned Circuit Judge in and for the 8th judicial district, vice Christopher Tompkins, resigned.

James Shannon to be commissioned Circuit Judge in and for the 10th judicial district, vice James Clark, resigned.

JOSEPH DESHA.

November 15, 1824.

Whereupon, it being discovered that there was a mistake in the latter nomination, it was ordered that so much of said message as relates to said second nomination, lie on the table for the present; and upon the first, it was resolved that the Senate do advise and consent to said nomination.

Ordered, That Messrs. J. Allen and Bowman inform the Governor thereof, the same being duly certified.

On motion of Mr. Dawson, leave was given to report a bill for the benefit of Rebecca Watson and Henry Denham; which was thereupon reported, and read and ordered to be read a second time.

On motion of Mr. Crutcher, leave was granted to report a bill to extend indulgence to the Judge of the 13th judicial district; which was read, and upon motion, the second reading of said bill was dispensed with; when, the same being amended, it was ordered to lie on the table for the present.

A message from the House of Representatives, by Mr. W. C. Williams:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to allow additional Justices of the Peace in certain counties in this Commonwealth;" in which bill they request the concurrence of the Senate.

Mr. Dudley, from the committee to which was referred a bill to regulate and curtail the jurisdiction of the General Court, reported the same with an amendment, which being duly reported by the Clerk, on motion, was laid on the table for the present.

On motion of Mr. Muldrow, leave was given to bring in a bill more effectually to prevent the building of fish-dams, on the navigable streams in this Commonwealth; whereupon Messrs. Muldrow, Maccoun, Howard and Lyon, were appointed a committee to prepare and bring in said bill.

An engrossed bill, from the orders of the day, to take the sense of the good people of this Commonwealth on the expediency of calling a Convention, was read a third time.

Mr. Flournoy moved to refer said bill to a committee of the whole house for to-day; and the question being taken thereon, it was decided in the negative.

The question was then taken on the passage of said bill, and it was decided in the affirmative—Yeas 22, Nays 13.

The yeas and nays being required thereon by Messrs. Ewing and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Bañinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Stephens, J. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Dudley, Faulkner, Flournoy, Hickman, Howard, Lockett, Muldrow, Smith and White.

Ordered, That Mr. W. B. O'Bannon carry the said bill to the House of Representatives, for their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Joyes:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the widow and heirs of Thomas Bullitt, deceased;" also, a resolution for appointing a joint committee to cancel, by burning, certain notes of the Bank of the Commonwealth; in which bill and resolution they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Brents:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Peter Mills;" in which bill they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, presented for the signature of the Speaker, the bills and resolution reported on yesterday.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 17, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Wingate:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to alter the time of holding the November term of the Owen circuit court;" in which they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had affixed his signature to resolutions of the following titles, to wit: A resolution authorising the Governor to invite General La Fayette to visit this State, and to make suitable preparations for his reception; a resolution concerning the Penitentiary; a resolution appointing joint committees to examine the situation of the Auditor's, Treasurer's and Register's offices.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Yancey carry said resolutions to the Governor, for his approbation and signature.

Mr. Beatty presented the petition of Micajah Vanwinkle and others, representing that from the local situation of their farms, and the frequent inundations of water from the Cumberland river, a public road running through said farms, they are exposed to the ravages of stock, and often sustained the destruction of their crops, &c. and praying that a law may pass authorising them to erect gates across said road, not to obstruct a free passage of the same, but to secure their property against stock, &c.; which was read, and referred to the committee of propositions and grievances.

A message from the House of Representatives, by Mr. W. C. Williams:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the county court of Morgan county to lay an additional levy;" in which they request the concurrence of the Senate.

Mr. C. H. Allen presented the petition of Lawrence Gordon, Sheriff of Henry county, praying (on account of the unexpected death of one of his deputies) a longer period in which to collect the revenue tax in said county; which was, on motion of Mr. Allen, referred to the committee of propositions and grievances.

A message from the House of Representatives, by Mr. Spalding:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to allow Lawrence county two Justices of the Peace, in addition to the number now allowed by law;" in which they request the concurrence of the Senate.

Mr. Howard obtained leave to report a bill for the benefit of Celia Maxwell, which passed to a second reading; whereupon the second reading of said bill was dispensed with, and Mr. Beauchamp moved to refer said bill to a select committee, which was decided in the negative.

Mr. Howard moved to dispense with the third reading of said bill, (the same having been ordered to be engrossed,) and that the same be now put on its passage; and the question being taken thereon, it was decided in the affirmative.

Whereupon it was resolved that said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence.

Mr. Lockett, from the select committee to which was referred the Governor's message and citizens' report relative to the condition and necessary repairs of the house designed for the use of the Executive, made a report, accompanied with resolutions in relation thereto; which were received, and being joint, of course lay one day on the table, for consideration.

Mr. Dudley read and laid on the table a resolution for appointing a joint committee of four from the Senate and eight from the House of Representatives, to enquire into the loss of money reported by the Treasurer; and the rule being dispensed with, said resolution was taken up, twice read and adopted as follows, to wit:

Whereas the Treasurer of this Commonwealth did, on yesterday, communicate to this house, that the day on which the Capitol was consumed by fire, a sum of money exceeding two thousand dollars, had been lost or taken from his office by some person unknown, and requesting an inquiry into said loss: Wherefore,

Resolved, That a joint committee of four from the Senate and eight from the House of Representatives, be appointed to enquire

strictly into the fact and all the circumstances connected therewith, and report thereon specially to each branch of the present General Assembly; and that the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That Mr. Dudley carry said resolution to the House of Representatives, and request their concurrence; and that the following committee be appointed pursuant thereto, on the part of the Senate, to wit: Messrs. Carneal, J. Allen, Crutcher and Barrett.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing:

Mr. C. H. Allen offered the following resolution, which being twice read, was adopted, to wit:

Resolved, That a committee of three be appointed to enquire into the cost to the State, of the Reports of the decisions of the Court of Appeals, heretofore published; whether the number of copies heretofore taken by the State, is necessary for their use; the cost of the mechanical part of the work, and whether the price heretofore paid, will give to the Reporter more than a fair compensation; what will be the probable cost of the necessary number of copies, in future; and also, whether the government could safely rely, that the decisions of the Court would be, with ability and in proper time, reported, and a sufficient number of copies obtained for public use, and disseminated throughout the State, without having an officer for the purpose; and that the said committee report to the Senate on Friday next, at 10 o'clock.

And thereupon the following committee was appointed, to wit: Messrs. C. H. Allen, Carneal and Yancey.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills and a resolution which originated in the Senate, of the following titles, to wit: An act to provide for the safe-keeping of Francis Erwin; an act for the benefit of the deputies of James Chambers, late Sheriff of Mason county; an act to amend the law establishing the Turnpike and Wilderness Road; a resolution directing the chimneys of the Capitol to be removed.

On motion, the Senate took up a bill which originated in the House of Representatives, entitled "an act for the benefit of the widow and heirs of Thomas Bullitt, deceased;" which being read the first time, and the second reading thereof being dispensed with, was committed to the committee for courts of justice.

A message from the House of Representatives, by Mr. J. M. Connell:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to legalize the proceedings of the Woodford county court, and to change the time of holding the March, June and September terms thereof;" in which they request the concurrence of the Senate.

Mr. Hughes moved to take up a bill to extend indulgence to the Judge of the 13th judicial district; which was thereupon taken up and read.

Mr. Hughes moved to re-consider the vote of yesterday, (having voted in the majority,) by which the said bill was so amended as to extend indulgence to the Judge of the 11th judicial district; and the question being taken thereon, it was decided in the negative.

Mr. Mayo moved to refer said bill to a select committee; which was decided in the negative.

Mr. Howard moved (the same having been ordered to be engrossed and read a third time on to-morrow) to dispense with the third reading of said bill; which was decided in the negative.

A message from the House of Representatives, by Mr. New:

Mr. Speaker—The House of Representatives have concurred in a resolution which originated in the Senate, appointing a joint committee to enquire into the loss of money reported by the Treasurer, with an amendment; in which amendment they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

On motion, the amendment reported from the House of Representatives, to the resolution appointing a joint committee to enquire into the loss of money from the treasury, was taken up and concurred in.

Ordered, That Mr. Lyon inform the House of Representatives thereof.

Mr. Stephens moved to take up the Governor's message, reported to-day as corrected, covering the nomination of George Shannon, Esq. as Judge of the 10th judicial district; which was read as follows, to wit:

Gentlemen of the Senate,

A mistake having been made in the nomination of a Circuit Judge for the 10th judicial district, I now beg leave to withdraw that nomination, and recommend for your advice and consent, George Shannon, whose commission will expire with the present session, to be commissioned Circuit Judge in and for the 10th judicial district, vice James Clark, resigned.

JOSEPH DESHA.

November 16, 1824.

And thereupon Mr. Stephens obtained leave to present the memorial of Valentine W. Peyton, remonstrating against said appointment; which was read as follows, to wit:

To the honorable the Senate of the Commonwealth of Kentucky.

The memorial of Valentine W. Peyton respectfully sheweth: That some time ago he instituted an action of ejectment in the Bourbon Circuit Court, in the name of the heirs of William Peyton, deceased, (of whom he is one,) against Daniel Thatcher: That all the plaintiffs live at a great distance from the said court, and that he, who has had the management of said action alone, lives at the distance of one hundred and eighty miles: That he has been for several terms, previous to the present one, anxious to obtain a trial of said cause, and had spent a great deal of time and money in such an endeavor, and living at so great a distance, the preparation and attention to the suit had been extremely troublesome, expensive and inconvenient. Now, your memorialist states, that at the present term of said court, after extraordinary efforts, he had procured the attendance of his witnesses, (some of whom live at a great distance,) and when a part of the testimony had been heard, it then being late in the evening, the court adjourned the cause until next morning: That upon calling of the cause the next morning, some of the counsel were not attending, and a witness, a very old and infirm gentleman, was also absent, whereupon the court, upon suggestion, adjourned the cause until two o'clock in the evening, at which time the jurors were instructed to attend: That the court met, your memorialist thinks, before the time appointed, and directed the jurors to be called. They were called, and one of them was not attending. The court asked the counsel why they did not go on with the cause? One of the counsel for the defendant remarked, that a juror was absent, and turning to the sheriff, desired him to call the juror. The Honorable George Shannon, Judge of the said Court, forbade the sheriff, who was advancing to call the juror, and ordered the sheriff *not to call him*, and in a minute or two, directed the clerk to enter an order that the other jurors were discharged from rendering a verdict, *when the parties and counsel on both sides, had agreed, notwithstanding the sheriff was forbidden to call the absent juror*, that the case should be tried, and the verdict rendered by the eleven jurors who were attending; whereupon the jurors were discharged, notwithstanding the remonstrance of the counsel, and immediately retired behind the bar. At that moment, the absent juror, although he had not been again called, walked into the court-house; and your memorialist states, that the said Hon. George Shannon had been informed, upon the calling of the cause, (when a motion was made for a continuance,) of the great distance the plaintiffs lived from the

court—of the pains and difficulties they had taken and suffered to procure the attendance of witnesses, &c. and that a material part of the evidence on behalf of the plaintiffs, depended upon the old gentleman before mentioned, who is of a very advanced age, and frequently not able to ride so far as the court-house. On account of the conduct of the Judge aforesaid, your memorialist may fail upon the trial of said cause; he may not be able again to procure the attendance of his witnesses; the attendance of the old gentleman, he thinks it is very probable, he cannot again have; and he is conscious, from the nature of the facts which he wishes to establish by him, that his deposition could not supply his personal and oral detail of circumstances and minute facts. Your memorialist would apologize for having troubled your honorable body with his narration of this matter; but when he has witnessed so flagrant a display of judicial arrogance, and so utter a contempt for justice and the rights of suitors in court, he is constrained to relate, and he is proud that he has a right so to do. He has always thought that it was the business and duty of the court to administer justice, and that in the words of the constitution, "without denial or delay." The conduct of the Judge was so unaccountable, that he knows not to what motive he shall ascribe it. Were it bribery, which he will not pretend, this body would not hesitate to give it serious consideration; but whatever may have induced it, whether for the sake of brandishing "the little brief authority" with which he is armed, or for something worse, the consequence to your memorialist, and all others who may be subjects of such judicial sport, is the same; for those, like the undersigned, who live by tilling the ground, whose personal attention is required on their homes and farms, to be compelled to attend, at so great a distance, under expence and trouble, just to witness a paroxysm of lordliness upon the bench, see his case adjourned from year to year, and then to struggle with increased difficulties to obtain justice, should he not thereby be entirely deprived, is no small grievance.

Respectfully,

VALENTINE W. PEYTON.

When, on motion, said nomination and remonstrance were referred to a select committee, of Messrs. Stephens, Flournoy, J. Allen, Beauchamp and Mayo.

Ordered. That said committee have power to send for persons, papers and records, for their information.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did on this day approve and sign enrolled resolutions which originated in the House of Representatives, of the following titles, to wit: A resolution concerning the Penitentiary; a resolution appointing joint committees to examine the situation of the Treasurer's, Auditors and Register's

offices, and a resolution requesting the Governor to invite General La Fayette to visit the State of Kentucky.

Mr. Mayo obtained leave to bring in a bill to amend the several laws concerning Ferries.

Mr. Dawson obtained leave to bring in a bill concerning Kentucky land warrants which may have been lost.

Messrs. Mayo, Lyon and J. Ward were appointed a committee to prepare and bring in the first, and Messrs. Dawson, Ewing and Lockett, the second.

On motion of Mr. Yancey, a resolution from the House of Representatives, for appointing a joint committee to examine and report the condition of the Bank of Kentucky, was taken up, twice read, and concurred in.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Mr. Beauchamp, from the select committee to which was referred a bill concerning Attorneys at Law, reported the same with amendments, which were concurred in.

The said bill being further amended, Mr. Faulkner moved to lay it on the table until the first day of June; and the question being taken thereon, it was decided in the negative.

And then the Senate adjourned.

THURSDAY, NOVEMBER 18, 1824.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of the widow and heirs of Thomas Bullitt, deceased," reported the same without amendment; whereupon the question was taken on reading the said bill a third time, which was decided in the affirmative; when, on motion of Mr. J. Allen, the rule, constitutional provision and third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

On motion, Mr. Worthington was excused from serving on the committee appointed to examine and report the condition of the Treasurer's office, and Mr. Lyon was appointed to fill said vacancy.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled resolutions of the following titles, to wit: A resolution appointing a joint committee to enquire into

the loss of money reported by the Treasurer; a resolution appointing a joint committee to examine the Bank of Kentucky; and that they had found said resolutions truly enrolled.

Ordered, That Mr. Yancey carry the same to the House of Representatives, for the signature of their Speaker.

On motion of Mr. J. Allen, the senate took up a bill which originated in the House of Representatives, entitled "an act for the benefit of the heirs and devisees of Cliff Hazlewood, and of the devisees of Jacob Bale, deceased;" which was read, and ordered to be read a second time; when, on motion of Mr. Allen, the rule, constitutional provision, and second and third readings of said bill, were dispensed with, and it was

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Allen inform the House of Representatives thereof.

On motion of Mr. Davidson, leave was given to bring in a bill for the benefit of William Yates; and Messrs. Davidson, C. Allan and Beatty were appointed a committee to prepare and bring in said bill.

Mr. Flournoy presented the petition of George Utley, praying a divorce from his wife, Polly Utley, covering sundry documents relative thereto; which were read, and referred to the committee on religion.

Mr. Lyon presented the petition of John Anderson, clerk of the circuit and county courts for Graves county, praying the passage of a law authorising the transcribing of certain orders and records; which was read, and referred to a select committee of Messrs. Lyon, Ewing and Lockett.

And then the Senate adjourned.

FRIDAY, NOVEMBER 19, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Cosby:

Mr. Speaker—I am instructed to inform the Senate, that the House of Representatives disagree to a bill which originated in the Senate, entitled "an act to take the sense of the good people of this Commonwealth on the expediency of calling a Convention."

The Speaker laid before the Senate a letter from John Adair, Esq. late Governor of Kentucky, covering an address from Solomon P. Sharp, Esq. urging a claim on the part of the ex-governor, to such an appropriation of money as would render his salary, received in Commonwealth's paper, during his administration of the

government, equivalent to its nominal amount in specie, when received; which documents, on motion of Mr. Ewing, were referred to the committee of propositions and grievances.

Mr. Smith, from the committee on religion, made the following report, to wit:

The committee of religion have, according to order, had under consideration a petition to them referred, and have come to the following resolution thereupon, to wit:

Resolved, That the petition of Josiah Terry, setting forth that in the year 1814, his wife, Nancy, eloped from his bed and board, and went off with another man, with whom she has lived ever since, and praying for a divorce, *be rejected*.

Which being twice read, was concurred in.

Mr. Smith, from the same committee, also reported a bill to annul the marriage of George and Polly Utley, which passed to a second reading; when, on motion, the rule, constitutional provision, and second and third readings of said bill, being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Flournoy carry the said bill to the House of Representatives, for their concurrence.

Mr. C. H. Allen, from the select committee raised to collect information relative to the reporting of the decisions of the Court of Appeals, made the following report, to wit:

The committee appointed to collect certain information on the subject of the reports of the decisions of the court of appeals, have performed that duty, and submit to the Senate the following statement:

By application to the Auditor's office, we have ascertained, that the whole amount paid to William Littell, Esq. for 250 copies of six volumes of the decisions of the Court of Appeals, reported by him, was \$7,450. The two first of these volumes contain only the decisions given during the year previous to his appointment; the third and fourth contain the decisions of the Spring and Fall terms, 1823; the fifth contains the decisions of the Spring term, 1824; and one of these volumes, denominated "Selected Cases," comprises a variety of decisions; omitted by former reporters, from the origin of the government down to the time of his appointment. The cost to the Commonwealth, of these volumes, respectively, was, for the first, \$1,247 50; for the second, \$1,200; for the third, \$1,365; for the fourth, \$1,192 50; for the fifth, \$1,000; and for the Selected Cases, \$1,445.

From the Secretary's office we have ascertained, that the number of copies of these Reports, directed to be distributed by the Secretary, is two hundred and one, and that he is authorized to exchange the balance, amounting to forty-nine, for other books

which may be useful to the officers of the government and the members of the Legislature.

The cost of the mechanical labor and paper in the printing and binding of the six volumes reported by Mr. Littell, we have ascertained from those who have done the work, to be as follows, viz. For the first volume, \$1,173; for the second, \$1,131; for the third, \$1,234; for the fourth, \$1,163; for the fifth, 1,088; and for the Selected Cases, \$1,413. It must be observed, that this was the cost of the whole edition, consisting of six hundred copies, two hundred and fifty of which, are taken by the Commonwealth.

Whether the compensation to the Reporter was more than a fair one, may be ascertained by comparing the amount drawn from the Treasury by the Reporter, with the cost of each of these volumes, and estimating the value of the surplus copies, thus:

<i>Drawn from the Treasury.</i>		<i>Cost.</i>	<i>Balance.</i>
First volume,	\$1,247 50,	\$1,173, in favor Reporter,	\$74 50
Second do.	1,200 00,	1,131, do.	69 00
Third do.	1,365 00,	1,234, do.	131 00
Fourth do.	1,192 50,	1,163, do.	29 50
Fifth do.	1,000 00,	1,088, against Reporter,	88 00
Selected Cases,	1,445 00,	1,413, in favor of do.	22 00

The slight variations in the relative cost of the different volumes, is attributable to a variation in the cost of binding and paper. It is difficult to estimate the value of the surplus copies, if sold for currency. There is thought to be no bookseller in the state, who would advance for them one half, or even one third of the retail price; because, books on which they can turn over their capital many times, before they can effect a sale of these books, can now be purchased in the eastern wholesale stores, at fifty per cent discount. We cannot, therefore, think the surplus copies an unreasonable compensation for the Reporter.

The cost of two hundred and fifty copies, provided no more were printed, would, we are informed, be, for a volume as large as Littell's fifth volume, \$700, provided paper, printing and binding could be had on the same terms. The probable cost would in future, be about \$800. The printing could not, probably, be had as low as the printing of Littell's, which would reduce the compensation for all the Reporter's labor in composing the marginal notes, digesting the indexes, examining and correcting the proof sheets, and superintending the work, to \$200.

In relation to the probable annual cost of the reports hereafter, it cannot be estimated on the data before us, at more than \$2,000. The late Reporter, we are informed, confidently anticipated that by the operation of the act of the last session, excusing the Judges from giving written opinions, in cases involving only matters of fact, &c. as well as by a reduction in the mass of business which has crowded that court for a few years past, the size of his volumes

would be reduced to three hundred pages. If this anticipation shall be realized, the annual cost will amount only to \$1,500; but should they continue to be as large as the volume last published, which is entirely improbable, it will be \$2,000.

We are induced to believe, indeed we are firmly convinced, that this work cannot be continued without the public patronage. We are informed, that of Bibb's Reports, there were printed only five hundred and fifty copies, leaving to the Reporter three hundred surplus copies. The fourth volume of those reports, was printed in the summer of 1817; and although they have now been in market upwards of seven years, there are about eighty copies in the bookstore in this place unsold, and doubtless enough in other places, to make up one hundred; of course, only two hundred copies have been sold in seven years. Apply this fact to the last volume of Littell's Reports: The cost of the edition was \$1,088, and the book sells at \$5; if it sold no faster than Bibb's Reports, it would take seven years to sell two hundred copies, which would not be sufficient to pay the cost of the edition. Another fact; the printer agreed to take books of Mr. Littell for his printing and binding, at seventy-six cents and six mills per one hundred pages, in sheets, relying upon sales for his compensation; but after a little experience, he was obliged to dissolve that contract, on account of the slowness of the sales. He assures us, that of the first and second Littell, he has not been able to sell, even by sending them over the country by pedlars, more than about one hundred copies, and of the succeeding volumes, not sixty.

It is therefore apparent, that no man can publish this work without public patronage, unless he can afford to wait for his profit eight or ten years.

All the preceding calculations are founded on the presumption that the printing and paper for the work, will not cost a future Reporter more than they cost Mr. Littell. We are informed, however, that the contract with him, in relation to the printing, was, as to the prices, considered permanent by the parties, and extending to the times when our currency might be expected to return to the specie standard. It was, indeed, forty-four per cent. below the established prices of printing in Lexington and most of the neighboring towns, and much below a fair price, in the present condition of our circulating medium. It cannot, therefore, be expected, that the printing can hereafter be procured so low. From these causes, there is no doubt the profit of the Reporter would be reduced; that he would not, before a change in the value of the currency, draw enough from the Treasury to complete an edition of six hundred copies. From these facts, it seems evident that no man will undertake to report and print the decisions of the Court of Appeals, without the patronage of the state, either in possession or expectancy. A failure of the Legislature to provide for the

appointment of a Reporter, would either stop the publication of the decisions of the court entirely, or virtually throw the appointment of a Reporter into the hands of the Judges. They might give out their opinions to some favorite lawyer, who would proceed to publish them, and the Legislature would only have to confirm this judicial appointment at their next session, by purchasing the requisite number of copies for the state, at such prices as the Reporter might think proper to fix. Now, the state obtains the Reports at the rate of one cent per page; whereas, in sales to individuals, the cost of the binding is added.

It may be further observed, in relation to the compensation of the Reporter, that the present price paid him, was fixed before the Bank of the Commonwealth was established, and must have been unreasonably high then, or very low now, since the cost of printing, paper and binding, has materially increased since that event. To satisfy our minds as to the fact whether the state takes more of these books than she has use for, we applied to the Secretary of State, and obtained a list of those on hand when he came into office. It is as follows: First Bibb's Reports, nine; second do. twenty-three; third do. twenty-seven; fourth do. twenty-five; first Marshall's, eleven; second do. thirty-eight; third do. fifty-six; first Littell's, fifteen; second do. thirty-three; third do. fifty-six; fourth do. one hundred and fifty-one; fifth do. two hundred and fifty; Selected Cases, one hundred and forty-nine. The fourth and fifth Littell, and the Selected Cases, had not been distributed, except on the application of the Clerks, &c. at the Secretary's office. We are therefore of opinion, that the compensation of the Reporter is not too great, in the present condition of our currency: that the number of books taken by the State, is not too large; and that good policy, and even justice to the people, require that the office of Reporter should be continued, that the opinions of the Appellate Court may be certainly and promptly published for their information and consideration. The decisions up to the present term, are now published, and there never will be a time, if the system is continued, when the drafts on the Treasury for this object, will much exceed half the sum which has been drawn during the two last years. And it may be added, that the public money expended on this object, is not lost to the community, but is vested in books at less than the usual prices, which remain in the hands of public officers, for the benefit and instruction of the people, or are exchanged by the Secretary for other books, for the purpose of enlarging and making valuable, the State Library.

C. H. ALLEN, *Ch'm.*

Which was read, and referred to the committee of the whole house on the state of the Commonwealth.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Lyon, from the select committee to which was referred the petition of the clerk of the circuit and county courts for Graves county, asked leave to report a bill pursuant to the petition aforesaid; which being granted, a bill was accordingly reported, read, and ordered to be read a second time, the title whereof is, "a bill to authorise the clerk of the Graves county and circuit court to transcribe certain records."

On motion, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was committed to a select committee of Messrs. J. Allen, Lyon and P. N. O'Bannon, for amendment.

Mr. Dawson, from the select committee raised for that purpose, reported a bill concerning Kentucky land warrants which may have been lost; which passed to a second reading.

Mr. Crutcher moved that the select committee appointed to prepare and bring in a bill to amend an act entitled "an act to repeal all laws allowing a replevin of two years on all contracts entered into after the first day of June 1824," be discharged from the further consideration of that subject; whereupon it was ordered that said committee be discharged accordingly.

Mr. Lockett moved to take up the report and resolutions of the committee raised to inspect the repairs made, and necessary to be made, on the house allotted for the use and occupancy of the Executive; which were thereupon taken up, twice read, amended, and concurred in as follows, to wit:

The committee appointed to take under consideration the repairs done to the Governor's house, have minutely inspected the repairs already made, and find that they are absolutely necessary for the safety of the Governor's property, comfort of his family, and preservation of the building.

Your committee further state, that the Governor has only caused to be repaired, the lower story of the house; that the upper story is entirely unfit to use as lodging rooms, in its present condition. They, therefore, suggested to the Governor the propriety of causing the repairs to be made to the rooms in the upper story of the house, in the same plain and cheap style in which the lower story has been repaired.

Your committee also state, that the Governor has purchased a secretary and carpet, which he states he has paid for out of his own money, and leaves it optional with the Legislature, whether they will refund the money he has paid for these two articles, that they may become appended to the government house. Your committee suggest the propriety of paying for these articles, when, in all probability, the Governor will not need them longer than his term of service.

Your committee, therefore, would beg leave to recommend the adoption of the following resolutions:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That a law ought to pass, authorising the Governor to draw upon the Treasurer for the amount of the repairs done to the government house, and for articles of furniture therein.

2. *Resolved,* That the Governor cause to be made the necessary repairs to the rooms in the upper story of the government house.

Ordered, That Mr. Lockett carry the said resolutions to the House of Representatives, for their concurrence.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Faulkner in the chair; and after some time spent therein, the committee rose, and Mr. Faulkner reported, that they had had under consideration "a bill to provide for the reporting of the decisions of the Court of Appeals;" that they had gone through the same, and had made some amendments, which he was prepared to report, if it was the pleasure of the Senate then to receive it.

Whereupon said report was received, and the amendments proposed by the committee concurred in.

Mr. Wickliff offered the following resolution, to wit:

Whereas, within the last eighteen months, there has been drawn out of the treasury, the enormous sum of \$7,450, by the late Reporter; and whereas, since the creation of that office, it has cost the State upwards of \$15,000;

Resolved by the Senate of the Commonwealth of Kentucky, That it is inexpedient to pass any law to create said officer at this time.

Which was twice read, and the question being taken on the adoption thereof, it was decided in the negative—Yeas 15, nays 20.

The yeas and nays being required thereon by Messrs. Wickliff and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beatty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Hickman, Howard, Lockett, Muldrow, Stephens, J. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Dudley, Ewing, Flournoy, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey.

Mr. Stephens offered an additional section to said bill, by way of amendment, providing that the Reporter of the decisions of the Appellate Court should publish, in his first volume, the manuscript copy of the Rules of the Federal Court for the District of Kentucky, &c.; and the question being taken on the adoption of said amendment, it was decided in the negative.

Whereupon, said bill, being further amended, was ordered to be engrossed and read a third time on to-morrow.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Lyon, from the select committee to which was referred a bill to authorise the clerk of the county and circuit courts of Graves county to transcribe certain records, reported the same with an amendment, which was concurred in, and the bill thereupon ordered to be engrossed and read a third time on to-morrow.

On motion, Mr. Lyon was added to the committee of enrolments on the part of the Senate.

Mr. Yancey reported that the joint committee of enrolments had obtained the signature of the Speaker of the House of Representatives, to resolutions of the following titles, to wit: A resolution which originated in the Senate, appointing a joint committee to enquire into the loss of money reported by the Treasurer; a resolution which originated in the House of Representatives, for appointing a joint committee to examine and report the condition of the Bank of Kentucky.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were handed over to the proper committee, to be laid before the Governor, for his approbation and signature.

And then the Senate adjourned.

SATURDAY, NOVEMBER 20, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the resolutions last signed by the Speaker.

Mr. Wickliff, from the select committee raised to prepare and bring in a bill to alter the time of holding the county court of Nelson county, reported a bill for that purpose, which passed to a second reading; when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and it was ordered to lie on the table for the present.

On motion of Mr. Lyon, the Senate took up the following messages from the Governor, laid before the Senate on yesterday, and which were read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Philip C. Morehead, to be commissioned Notary Public in and for the county of Warren.

JOSEPH DESHA.

November 17, 1824.

Gentlemen of the Senate,

A Notary Public being needed in the county of Livingston, I nominate for your advice and consent, Thomas Willis, Esq. to be commissioned as such, for that county.

JOSEPH DESHA.

November 18, 1824.

Whereupon it was resolved that the Senate do advise and consent to said nominations.

Ordered, That Messrs. Lyon and Dawson inform the Governor thereof, the same being duly certified.

Mr. Davidson obtained leave to bring in a bill for the benefit of the widow and heirs of James Shockley, deceased; and Messrs. Davidson, Beatty and White were appointed a committee to prepare and bring in said bill.

Mr. Ewing offered the following resolution, to wit:

Resolved, That the Speaker, whenever application may be made to him, direct the doors of the Senate Chamber to be opened for public worship, when not occupied by the Senate.

Which was twice read and concurred in.

The Senate took up, from the orders of the day, a bill to provide for the reporting of the decisions of the Court of Appeals, which was read a third time.

Mr. Faulkner moved to fill the blank in the third section, (which relates to the period during which the Reporter shall hold said office,) with two years.

Mr. Dudley moved to fill said blank with four years.

Mr. C. H. Allen moved to fill it with three years.

Mr. Crutcher moved to fill it with one year.

Mr. Carneal moved to lay said bill on the table, until Monday next; which was decided in the negative—Yeas 9, nays 19.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Beauchamp, Dudley, Ewing, Forsythe, Hughes, P. N. O'Bannon, Smith and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Barrett, Beatty, Carneal, Crutcher, Daniel, Davidson, Dawson, Faulkner, Flournoy, Hickman, Lyon, Mayo, W. B. O'Bannon, Stephens, J. Ward, White, Wickliff and Worthington.

The question was then taken on filling said blank with four years, and decided in the negative.

The question was then taken on filling the blank with three years, and decided in the negative.

The question was then taken on filling the said blank with two years, and decided in the affirmative.

The question was then taken on the passage of said bill, (the same having been engrossed,) and it was decided in the affirmative—Yeas 21, nays 8.

The yeas and nays being required thereon by Messrs. Wickliff and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beatty, Beauchamp, Daniel, Dawson, Dudley, Ewing, Flournoy, Forsythe, Hughes, Lyon, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Carneal, Crutcher, Davidson, Faulkner, Hickman, Stephens, White and Wickliff.

Ordered, That Mr. Hughes carry the same to the House of Representatives, for their concurrence.

On motion of Mr. Carneal, the orders of the day were dispensed with for the present.

Mr. Carneal presented the petition of the Sheriff of Campbell county, praying that a law may pass authorising the Auditor of Public Accounts to receive and allow, in discharge of revenue tax, certain claims of guards, &c. purchased and received by said Sheriff for taxes; which was read, and referred to a select committee of Messrs. Carneal, Barrett and Beauchamp, with leave to report by bill or otherwise.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign an enrolled resolution which originated in the Senate, entitled, "a resolution appointing a joint committee to enquire into the loss of money reported by the Treasurer."

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had affixed his signature to bills which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of the widow and heirs of Thomas Bullitt, deceased; an act for the benefit of the heirs and devisees of Cliff Hazlewood, and of the devisees of Jacob Bale, deceased.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined an enrolled bill which originated in the Senate, entitled "an act to annul the marriage of George and Polly Utley," and that the same was truly enrolled.

Ordered, That Mr. Lyon carry said bill to the House of Representatives, for the signature of their Speaker.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the bills last signed by the Speaker.

Mr. Ewing moved to take up a bill from the House of Representatives, entitled "an act further to regulate the debt due the

Commonwealth for the sale of lands acquired by the treaty of Tellico;" which was taken up, read, and ordered to be read a second time; when, on motion of Mr. Ewing, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was committed to a select committee of Messrs. Ewing, Beatty, Dawson and P. N. O'Bannon, for amendment.

Mr. Dudley read and laid on the table a joint resolution instructing our Senators, and requesting our Representatives in Congress, to use their best exertions to have the Remonstrance submitted by the General Assembly of this Commonwealth to the Congress of the United States, at the last session, touching the decision of the Supreme Court of the United States upon our occupying claimant laws, taken up and acted on at an early period of the approaching session.

And then the Senate adjourned.

MONDAY, NOVEMBER 22, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to establish the county of M'Cracken;" in which they request the concurrence of the Senate.

The Speaker laid before the Senate a letter from David G. Cowan, chairman of the committee of the board of trustees of the Asylum for the Deaf and Dumb, covering a proposition relative to an exhibition of the progress of the students belonging to said institution; which was read, and for the present, laid on the table.

Mr. Mayo presented the petition of sundry citizens of the county of Floyd, praying to be attached to the county of Pike; which was read, and referred to the committee of propositions and grievances.

Mr. Ewing, from the committee of propositions and grievances, made the following reports, to wit:

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of Meade county, praying that a law may pass establishing their seat of justice on Doe run, *is reasonable*.

Resolved, That the petition of sundry citizens of the county of Meade, praying a change of the place of holding their courts, *is reasonable*.

The committee of propositions and grievances have, according to order, had under consideration a petition to them referred, from sundry citizens of Hardin and Meade counties, praying that a law may pass appointing commissioners to view and mark a road from Huffman's ferry, on the Ohio river, the nearest and best way to Bowlinggreen, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition is reasonable.

Which were twice read and concurred in.

A message from the House of Representatives, by Mr. J. M. McConnell:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: 1. An act appointing a commissioner of the road from Mountsterling to the Virginia line, by the way of Prestonsburg, and to instruct the commissioner in relation to the same; 2. an act to erect election precincts in certain counties in this commonwealth; 3. an act to allow the Justices of the Peace of Morgan county, each, a copy of the Digest of the Laws; 4. an act for the benefit of Benjamin Craig; in which bills they request the concurrence of the Senate.

Mr. J. Allen, from the majority upon the vote referring the petition of sundry citizens of Floyd county to the committee of propositions and grievances, moved a re-consideration of said vote; whereupon said vote was re-considered, and the said petition ordered to lie on the table for the present.

Mr. Mayo, from the select committee raised for that purpose, reported a bill to amend the several laws concerning ferries; which passed to a second reading.

A message from the House of Representatives, by Mr. Patterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Marcus Huling and others;" in which they request the concurrence of the Senate.

Leave was given to bring in the following bills, to wit:

On motion of Mr. Hughes—1. A bill to change the time fixed by law for electing members to Congress.

On motion of Mr. Bowman—2. A bill to amend the law concerning Pedlars.

On motion of Mr. White—3. A bill to amend the militia law.

On motion of Mr. Beauchamp—4. A bill to repeal the law establishing the Court of Appeals, and to re-organize the Court of Appeals.

Messrs. Hughes, Beauchamp and Ewing were appointed a committee to prepare and bring in the first; Messrs. Bowman, Crutcher, Davidson and Lyon, the second; Messrs. White, Faulkner, J. Allen, Davidson and Ewing, the third; and Messrs. Beauchamp, Dudley, Lyon, Denny and J. Allen, the fourth.

On motion of Mr. Beauchamp, the following gentlemen were added to the select committee to which was referred a bill for the benefit of securities, to wit: Messrs. Denny and Flournoy.

Mr. Ewing, from the select committee to which was referred a bill from the House of Representatives, entitled "an act further to regulate the debt due the Commonwealth for the sale of lands acquired by the treaty of Tellico," reported the same with amendments, which were concurred in, and the bill was ordered, as amended, to be read a third time; which being done, it was

Resolved, That said bill do pass, and that the title thereof be, "an act further to regulate the debt due the Commonwealth for the sale of vacant lands and lands acquired by the treaty of Tellico."

Ordered, That Mr. Ewing carry the said bill and amendments to the House of Representatives, and request their concurrence.

Mr. Hughes offered the following resolution, to wit:

Resolved, That the Court of Appeals ought to be branched into three branches, and that a law ought to pass accordingly, locating at suitable sites two branches on the south side of Kentucky river, and one on the north side of said river.

Which was twice read, and, on motion of Mr. Howard, laid on the table for the present.

The Senate then proceeded to a consideration of the orders of the day.

A bill which originated in the Senate, to grant further indulgence to the Judge of the 13th judicial district, was read a third time, (the same having been engrossed.)

Mr. Mayo moved to commit said bill to a select committee, for amendment, which was decided in the negative; and the question being taken on the passage of said bill, it was

Resolved, That said bill do pass, and that the title thereof be, "an act to grant indulgence to the Judges of the 13th and 11th judicial districts."

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

An engrossed bill to authorise the Clerk of Graves county and circuit courts to transcribe certain records, was read a third time; whereupon,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon carry the same to the House of Representatives, and request their concurrence.

On motion, a bill which originated in the Senate, to provide for the sale of the lands west of the Tennessee river, was committed to the committee of the whole on the state of the Commonwealth, for to-morrow.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A bill concerning Attorneys at Law, as amended heretofore, was ordered to be engrossed and read a third time on to-morrow.

Also, bills of the following titles, which originated in the Senate, were ordered to be engrossed and read a third time, to wit: 1. A bill for the benefit of the heirs and representatives of David Allen, deceased; 2. a bill for the benefit of Rebecca Watson and Henry Durham; 3. a bill concerning Kentucky land warrants which may have been lost.

A bill to amend the law regulating the issuing of tavern licenses, was read a second time, and being amended, was, for the present, laid on the table.

A bill from the House of Representatives, entitled "an act to provide a room for the Court of Appeals," was read a second time, and ordered to be read again; when, on motion, the rule, constitutional provision and third reading of said bill being dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson inform the House of Representatives thereof.

Bills from the House of Representatives, of the following titles, were severally read the first time, to wit: 1. An act for the benefit of Barbara Price; 2. an act to authorise the insertion of certain advertisements in the Kentucky Farmer; 3. an act for the benefit of Henry B. Montague; 4. an act to authorise the inhabitants of Owenborough to elect the trustees of said town; 5. an act for the benefit of James M'Caughan; 6. an act to authorise the taking of depositions in certain cases at common law; 7. an act for the benefit of Thomas Burgess, a free mulatto; 8. an act for the benefit of Peter Mills.

On motion, the rule, constitutional provision, and second and third readings of said bills, being dispensed with,

Resolved, That said bills do pass, and that their titles, respectively, be as aforesaid.

Ordered, That the following gentlemen inform the House of Representatives thereof, to wit: Mr. Bowman, of the passage of the first; Mr. Muldrow, the second; Mr. P. N. O'Bannon, the third; Mr. Stephens, the fourth; Mr. Ewing, the fifth, sixth and seventh; and Mr. Lockett, the eighth.

The following bills from the House of Representatives, having passed to a second reading, and the rule, constitutional provision and second reading having been dispensed with, were referred to select committees, for amendment, to wit: 1. "An act for the benefit of John Cocke," to Messrs. Denny, Bowman, Dawson and Wickliff; 2. "an act to allow additional Justices of the Peace in

certain counties in this Commonwealth," to Messrs. W. B. O'Bannon, Ewing and Mayo.

The following bills from the House of Representatives were passed to a second reading, to wit: 1. An act to authorise the county court of Washington county to appoint one additional Constable, and for other purposes; 2. an act to provide for the disposition of the estate of William Moore, deceased.

On motion of Mr. White, the Senate took up a bill from the orders of the day, which originated in the House of Representatives, entitled "an act to establish the line between Oldham and Henry," which was read and ordered to be read again; whereupon, the rule, constitutional provision, and second and third readings of said bill, being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. White inform the House of Representatives thereof.

A resolution from the House of Representatives, for appointing a joint committee to cancel, by burning, certain notes of the Bank of the Commonwealth, was read; when Mr. Dudley moved to commit said resolution to a select committee, for amendment; and pending said motion,

The Senate adjourned.

TUESDAY, NOVEMBER 23, 1824.

The Senate assembled.

Mr. Hughes presented the petition of the trustees of the Augusta College, praying an endowment; which was read, and referred to a select committee of Messrs. Hughes, P. N. O'Bannon, J. Allen, Barrett and Smith.

A message from the House of Representatives, by Mr. Caldwell:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to add a part of the county of Caldwell to the county of Trigg;" in which they request the concurrence of the Senate.

Mr. Hickman presented the petition of sundry citizens of Bourbon county, praying the erection of an election precinct in said county; which was read, and referred to the committee of propositions and grievances.

Mr. Faulkner presented the petition of sundry citizens of Knox county, remonstrating against the confirmation of the nomination of Jarvis Jackson, as colonel of the 75th regiment of Kentucky militia, which nomination had been already confirmed; and the

question being taken on referring said petition, with the accompanying documents, to the proper committee, it was decided in the negative, and so the said petition was rejected.

On motion, Mr. Faulkner had leave to withdraw the same.

Mr. Denny, from the committee to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of John Cocke," reported the same with an amendment, which was twice read and concurred in; and the said bill, being further amended, was ordered to be read a third time; which being done, it was resolved that said bill do pass, and that the title thereof be, "an act for the benefit of John Cocke and others."

Ordered, That Mr. Ewing carry said bill to the House of Representatives, and request their concurrence in said amendments.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have passed a bill and resolution of the following titles, to wit: An act to amend the law concerning the solemnization of marriages; a resolution concerning the Bank of the Commonwealth of Kentucky and branches; in which bill and resolution they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which message was read, and, for the present, laid on the table.

On motion of Mr. Davidson, a message from the Executive, which was received on yesterday, was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, who now hold commissions that will expire with the present session, to be commissioned according to law, viz.

William P. Roper, to be commissioned Circuit Judge in and for the first judicial district, in place of Adam Beatty, resigned.

Charles S. Bibb, to be commissioned Commonwealth's Attorney in and for the fourth judicial district, in place of James W. Forbes, deceased.

JOSEPH DESHA.

November 22, 1824.

Whereupon it was resolved, unanimously, that the Senate do advise and consent to the nominations contained in said communication.

Ordered, That Messrs. Dudley and W. B. O'Bannon inform the Governor thereof, the same being duly certified.

A message from the Governor to the Senate and House of Representatives, heretofore received, covering a report of the Secre-

tary of State, showing the number and amount of books consumed during the late burning of the Capitol, was read, and, for the present, laid on the table.

A message from the Executive, heretofore transmitted to the Senate, covering a letter from William Hardin, Keeper of the Kentucky Penitentiary, was, on motion, referred to a select committee of Messrs. Beauchamp, Forsythe and J. Allen.

A message from the House of Representatives, by Mr. Wingate:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to provide for the running and marking the county line between the counties of Owen and Grant;" in which they request the concurrence of the Senate.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to amend the several acts concerning occupying claimants of land; which passed to a second reading.

Ordered, That 150 copies thereof be forthwith printed, for the use of the General Assembly.

On motion of Mr. Lockett, leave was given to bring in a bill to change the mode of raising county levies in this Commonwealth; and Messrs. Lockett, Denny, C. H. Allen, Flournoy and Hughes were appointed a committee to prepare and bring in said bill.

Mr. Hughes moved to take up the resolutions submitted by Mr. Dudley on the 20th inst. to instruct our Senators, and request our Representatives in Congress, if practicable, to procure an early consideration of the Remonstrance forwarded during the last session, to Congress, relative to the decision of the Supreme Court on our occupying claimant laws; which was thereupon taken up, and, on motion, referred to the committee on so much of the Governor's message as relates to said decision.

Ordered, That Mr. Dudley be added to said committee.

On motion of Mr. White, a bill from the orders of the day, which originated in the House of Representatives, entitled "an act to provide for the disposition of the estate of William Moore, deceased," was taken up and read a second time, and, on motion, committed to a select committee of Messrs. Denny, Bowman and White, for amendment.

The Senate then, according to the standing order of the day, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Crutcher in the chair; and after some time spent therein, the committee rose, and the Speaker having resumed the chair, Mr. Faulkner reported, that the committee had, according to order, had under consideration a bill which originated in the Senate, to regulate civil proceedings; that the committee had gone through the same, and had made sundry amendments, which he was prepared to report, if it was then the pleasure of the Senate to receive them; which were thereupon reported.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 24, 1824.

The Senate assembled.

Mr. P. N. O'Bannon presented the petition of William L. Sands and Samuel H. Curd, administrators of the estate of William Baker, deceased, praying that a law may pass authorising a sale of the real estate of said decedent, or a part thereof, for the payment of debts; which was read, and referred to the committee of propositions and grievances.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on the 20th instant, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act for the benefit of the heirs and devisees of Cliff Hazlewood, and the devisees of Jacob Bale, deceased; an act for the benefit of the widow and heirs of Thomas Bulitt.

Mr. Davidson, from the select committee raised for that purpose, reported a bill for the benefit of William Yates; which passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings of said bill were dispensed with, and it was resolved that said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson carry the same to the House of Representatives, for their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

The rule being dispensed with, said message was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Thomas James, Esq. to be commissioned according to law, Assistant Judge for the county of Hickman.

JOSEPH DESHA.

November 23, 1824.

And thereupon it was resolved that the Senate do advise and consent to said nomination.

Ordered, That Mr. Lyon inform the Governor thereof, the same being duly certified.

Mr. W. B. O'Bannon, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to allow additional Justices of the Peace to certain counties in this Commonwealth," reported the same with

amendments, which being twice read, were concurred in, and the bill, as amended, ordered to be read a third time; which being done,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ewing carry the same to the House of Representatives, for their concurrence.

A message from the House of Representatives, by Mr. Forest:

Mr. Speaker—The House of Representatives have concurred in a bill which originated in the Senate, entitled "an act to extend indulgence to the Judges of the 13th and 11th judicial districts."

Mr. Beauchamp, from the select committee to which was referred a bill concerning securities, reported the same with amendments.

The first amendment related to the first section, which reads as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, if any security or securities for the payment of money or property, or for the payment of any contract, covenant or agreement whatsoever, do, after the money or property shall become due on contract or covenant, in which such security may be bound, shall be broken, give the obligee or obligees, his, her or their executors or administrators, in such bond, contract or covenant, or to the person or persons who may hold the same; a notice in writing, requiring such obligee or obligees, or person or persons holding such note, bond, contract or covenant, to bring suit thereon for the collection of such money or property, or the performance of such contract or covenant, or compensation for the breach of the same, unless he, she or they, thus notified, proceed within fifteen days after the delivery of such notice, to commence a suit on such writing, and prosecute the same, &c.

The amendment proposed, after the word "whatsoever," in the 4th line, to insert the words, "hereafter made;" and the question being taken on concurring with the committee in said amendment, it was decided in the negative—Yeas 14, nays 21.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Denny, Faulkner, Hickman, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beatty, Bowman, Carneal, Crutcher, Davidson, Dawson, Dudley, Ewing, Flournoy, Forsythe, Howard, Lockett, Lyon, Maccoun, Mayo, Muldrow, Stephens, J. Ward, White and Wickliff.

When, on motion of Mr. Flournoy, the bill and amendments were referred to a select committee of Messrs. Flournoy, Howard, Stephens, C. Allan and Dawson, for amendment.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

On motion of Mr. Dudley, the resolution from the House of Representatives, for appointing a joint committee to cancel, by burning, certain notes of the Bank of the Commonwealth, was taken up and referred to a select committee of Messrs. Dudley, C. H. Allen, J. Allen and Beatty.

Leave was given to bring in the following bills, to wit:

On motion of Mr. Ewing—A bill for the relief of the Sheriff of Christian county.

On motion of Mr. P. N. O'Bannon—A bill for the benefit of William Gordon and Elizabeth M'Pherson.

Messrs. Ewing, P. N. O'Bannon and Lyon were appointed a committee to prepare and bring in the first, and Messrs. P. N. O'Bannon, J. Ward and Ewing, the second:

And then the Senate adjourned.

THURSDAY, NOVEMBER 25, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill which originated in the Senate, entitled "an act to extend indulgence to the Judges of the 13th and 11th judicial districts;" and that they had found the same truly enrolled.

Ordered, That Mr. Yancey carry said bill to the House of Representatives, for the signature of their Speaker.

Mr. Yancey presented the petition of the Barren county court, praying that the fines and forfeitures which accrue and are levied within said county, may be appropriated to internal improvements in said county; which being read, was referred to a select committee of Messrs. Yancey, Wickliff, Ewing and Dawson.

Mr. Carneal obtained leave to report a bill to amend the chimney and maintenance law, and to authorise the sale and conveyance of land in certain cases; which being thereupon reported, passed to a second reading; when, on motion, it was ordered that 150 copies thereof be printed, for the use of the General Assembly.

Mr. Yancey, from the joint committee raised to examine and report the condition of the Register's office, made the following report, to wit:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land-Office, have performed the duty required, and report as follows: That they find, transcribed from the Virginia Land-Office, 273 bundles of surveys, neatly labelled, with an alphabet; also, 15 bundles containing the caveated and defective surveys on which grants have issued, 4 bundles caveated surveys, 2 bundles defective surveys, and 1 bundle of surveys misplaced from their proper bundle—all neatly labelled, and recorded in 11 volumes well bound, with a complete alphabet; 2 bundles of warrants located and mislaid; 1 bundle copies of wills; 16 volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet. The record of military warrants from the Virginia Land-Office, in 2 volumes, with alphabets, in good order; a list of Virginia treasury warrants, in 2 volumes; the record of pre-emption warrants, in 1 volume, containing the record of warrants under the proclamation of 1763, with alphabets, and in good order. Commissioners' certificates granted in 1779 and '80, in 3 volumes, with alphabets, in good order. The sale books of non-residents' lands for the years 1800-1-2 and 4, have a new alphabet; the books are somewhat worn. The books in which the sales of 1805-6-7-8-9-10-11-12-13-14-15-16-17-18-19 and 20 are recorded, they find in good order, with alphabets. Two volumes in which surveys have been registered since 1792, in good order. The said surveys are tied up in 144 bundles, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, is in 10 volumes, with an alphabet, in good order. The grants issued on the aforesaid surveys are in 20 volumes, to which there is an alphabet, in good order. The surveys upon head-right claims are neatly registered in 3 volumes, with 2 alphabets, one of which is somewhat worn. The head-right plats and certificates of survey are filed in 307 bundles, neatly labelled, and recorded in 17 volumes, with two alphabets, in good order; the grants issued thereon are recorded in 26 volumes, well bound, with two alphabets, in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants, are in 2 volumes, and are registered in 1 volume; the original surveys tied up in 12 bundles, and neatly labelled, all in good order. Nine bundles of certificates on which warrants have issued; 7 bundles certificates of sales of non-residents' lands, on which deeds have issued; 1 bundle of Attorney-General's opinions to the Register; 3 bundles of county court certificates; 8 bundles of caveats since 1792; 4 bundles of caveated surveys since 1792; 2 bundles of surveys not registered for want of fees, since 1792; 1 bundle of defective surveys since 1792; 26 bundles of vouchers on which the late Kentucky land warrants have issued—all neatly labelled and in good order. One

volume containing the surveys under the proclamation of 1763, with an alphabet; 2 volumes of certificates granted in 1796, and 3 volumes in 1798, with alphabets; Anderson and Croghan's military entry books, in 2 volumes, with alphabets; the transcript of Lincoln entries, in 2 volumes, with an alphabet, in good order; May's entries (so called) transcribed in 5 volumes, with 2 alphabets, in good order; 1 volume of Green's Deputy Register of surveys made previous to June 1792; 1 volume of relinquishments, in tolerable order; a list of Kentucky warrants issued under the act of 1814 and the subsequent acts, in 2 volumes, and the record of said warrants in 7 volumes. The original surveys made on said warrants are tied up in 175 bundles, neatly labelled, and recorded in 9 volumes, well bound. The grants issued thereon are recorded in 15 volumes, well bound, with an alphabet, in good order. Said surveys are neatly registered in 2 volumes, with an alphabet in good order. Three volumes in which caveats are recorded, with alphabets; 11 books of original entries from the county of Fayette, neatly transcribed in 4 volumes, well bound, with an alphabet, in good order, agreeably to an act of assembly approved January 5th, 1824; one book of original entries from the county of Mercer, one from Bourbon, and one from Nelson, have been returned by the surveyors of said counties to the Register's office, agreeably to the requisitions of an act approved February 12th, 1820; all of which books of entries are in order fit to be used. (The surveyor of Jefferson county has failed to return the original entries of that county to the Register's office.) One volume of grants for military lands west of the Tennessee river; 1 volume in which the surveys are registered, and the surveys neatly tied up in 1 bundle; 1 volume in which grants are recorded, for lands west of Tennessee, sold under an act of 1821; 1 volume of Henderson's field notes, the book not well bound.

The surveyor of Woodford, it appears, has not returned his book of entries, agreeable to an act of the General Assembly passed 5th December 1821.

Your committee will add, in conclusion, that the Register not only manifested great promptitude and attention to them in effecting the examination; but they found that great attention had been paid to the arrangement and preservation of the books and papers of the office.

From the Senate,

JOEL YANCEY,
MARTIN BEATY,
H. B. MAYO.

From House of Rep's.

JOHN MARKSBERRY,
W. HODGE,
URIAH GRESHAM,
MARTIN HARDIN,
CLAYTON MILLER,
SAMUEL STONE,

Mr. Hughes, from the select committee raised for that purpose, reported a bill to change the time fixed by law for electing members of Congress; which passed to a second reading.

Mr. Ewing, from the select committee raised for that purpose, reported a bill for the relief of Matthew Wilson, Sheriff of Christian county; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading of said bill being dispensed with, the same was referred to a select committee of Messrs. C. H. Allen, Ewing and Barrett.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed enrolled bills of the following titles, to wit: An act to annul the marriage of George and Polly Utley; an act to extend indulgence to the Judges of the 13th and 11th judicial districts; an act for the benefit of Thomas Burgess, a free mulatto; an act for the benefit of Henry B. Montague; an act for the benefit of Peter Mills; an act to provide a room for the Court of Appeals; an act for the benefit of Barbara Price; an act to establish the line between Oldham and Henry counties; an act to authorise the inhabitants of the town of Owenborough to elect the trustees of said town; an act for the benefit of James M'Caughan; an act to authorise the taking of depositions in certain cases at common law; an act to authorise the insertion of certain advertisements in the Kentucky Farmer.

Whereupon the Speaker of the Senate affixed his signature thereto, and said bills were handed over to the committee of enrolments, to be laid before the Governor, for his approbation and signature; and after a short time, Mr. Yancey reported that they had performed that duty.

Mr. Dudley presented the report of the commissioners appointed to examine into, and report the condition of the Kentucky Penitentiary; which was read, and, for the present, with the accompanying documents, ordered to lie on the table.

On motion, a message from the Executive, received on yesterday, covering a report from William Hardin, Keeper of the Penitentiary, was also taken up and read; when, on motion, the same was laid on the table for the present.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Hughes, from the committee raised on that part of the Governor's communication which relates to the decisions of the Court of Appeals, &c. made a report upon that subject, which was read as follows:

THE joint committee raised upon that part of the Governor's communication which relates to the official conduct of the Judges

of the Court of Appeals, have had that subject under consideration, and beg leave to report: That the Judges of that Court, at their last fall term, pronounced a decision, in the cases of *Blair vs. Williams* and *Lapsley vs. Brashear*, annulling, in effect, the laws of this State in relation to replevin bonds, to forthcoming bonds, to the valuation of property subjected to sale under execution, to the sale of property under execution upon a limited credit, and even to the occupying claimants of land, and circumscribing, by the reasoning which it employs, and in the principles which it attempts to establish, the legislative power of the government, within a compass too narrow to be exercised usefully or beneficially to the community. The encroachment made by that opinion, upon the constitutional and legitimate powers of the legislative department, and upon the great principles of self-government by the people, in the exercise, by that department, of its appropriate powers, and the afflicting degree in which it was calculated to disorder the social relations throughout the community, could not, and did not, escape the discernment and vigilance of our late excellent and patriotic Chief Magistrate, General John Adair. In his communication to the Legislature, at the last session of that body, he invited their attention to the import of that decision. The committee to whom that part of his communication was referred, made a report sanctioning the decision and asserting the right of the judicial, to *check and control* the legislative department in the exercise of its legislative powers. The Legislature, by appropriate preamble and resolutions, repelled the doctrine of the report, asserted the error of the principles of the opinion, and in affirmance of their sentiment, superadded a cautionary enactment, entitled "an act to regulate the issuing of executions," approved January 2d, 1824. Thus an issue was distinctly formed between the two departments, and referred to the People, that august and paramount tribunal, from whose decision there can be no appeal by either party. They, it is believed, have made up their verdict, and it remains that their representatives should, at the present session, give it effect, and enrol it in the archives of State. Their opinion is not the effervescence of popular excitement; it is the result of a deliberation, calm and dispassionate in a degree proportioned to the magnitude and importance of the question, viewed in all its aspects. They have not, in the consideration of this matter, been either ignorant or regardless of the boundaries which limit the rights and duties of the contending departments; nor have they overlooked the great political principles with which those rights and duties are respectively connected, and upon a just observance of which, by each, the welfare and repose of society essentially depend. They have not been convinced by reflection, nor seduced or derided into the belief that the Judiciary possess the *right*, by the constitution of the State, or

upon the natural and acknowledged principles of fitness, upon which all free governments are based, to check and control the legislative department in the exercise of its power.

It is a principle of axiomatic character, that in every government there must exist a controlling and paramount power, competent to all the purposes of government; that to this, all other lodgments of power must be subordinate and amenable. It is a principle not less obviously clear, that in *free governments that power is inherent in the will of the people*, and that in such governments *the will of the people is the sovereign power of the State*. It is also equally obvious, that that power is the result of the social compact; that from that compact, as from its *natural radix*, flow all obligations of a political and legal character; and that the obligation of the social compact, upon all the members of civil society, results from their having each freely assented to it; and hence it follows as a clear and self-evident principle, that all obligation amongst men results from the exercise of volition, express or implied. Volition is the elementary and primary ingredient in obligation. But the social compact and the constitution are not, as some have urged, one and the same thing. They are distinct and essentially different things. By the social compact, the members of it agree to live together in a state of civil society, and for the protection of their rights, their property and their persons, to submit them all to the regulation and the control of the *will of the society*. When this compact is formed, the society becomes thereby a corporate existence, a moral agent, and is invested with all the attributes and faculties of moral agency; it is an entirety; it thinks, reflects, reasons, wills and acts. The earliest employment of its faculties, is in the organization of its government. It delineates, in its constitution, the form of the government of its choice. But unanimity is not, as it was in the formation of the compact, necessary to the validity and obligatory effect of the constitution. It was settled by the compact, that the will of the majority should govern. That is the only rational exposition of it, as to that matter. The majority were, therefore, competent to the formation of the constitution. The constitution may be altered, amended or abolished, without throwing society back into a state of nature, or at all impairing its corporate existence or moral agency, or even essentially endangering its liberty; for its liberty must, in every posture in which it can place itself, depend upon its *will*, and that *will* must, according to the inherent laws, both of matter and of mind, display itself in its preponderance. Neither the compact nor the constitution contains any stipulation for a minority, or a majority, as such, or for the component parts of either, in their minority or majority character. The members of each, stand bound to abide by the general will; and that will, except in a few cases otherwise provided for in the constitution, must be promulged, whether in giving form to

the government or in the enactment of laws, through the medium of the majority. All that is said, therefore, about the rights of minorities, is incompatible with the very nature of civil society. Every just conception of the social compact, and of the constitution, forbids the idea, and every proposition in relation to the rights of a minority as a dissentient portion of the community, is a solecism in politics, of the most palpable kind.

The rights of each member of society, must, from the nature of government, depend upon the *will* of all, and that will must be displayed by the agency or expression of the majority. The rights of all are equal, homogeneous and correlative, and depend alike upon the general *will*. The majority is the channel through which the stream of that will must, to be efficient, flow. The minority is the divergent tendency of a portion of its volume, which, by meeting with resistance in its lateral direction, forms a temporary eddy, and again disappears by its confluence with the general stream. The presumption is, always, that the minority is wrong; and the only right which it has, is to escape from that imputation by endeavoring to become, through its enlargement, the majority, and in its success, to lose, with its existence, its right.

It has been said, that the will of the people, in civil society, constitutes the sovereignty of the state; that sovereignty is essentially a *moral force*, of unlimited extent, and in its elementary state, consisted in the will of each individual member of society, anterior to the social compact; for man is social, and lived in society even in a state of nature. The compact gives rise, not to society, but to the corporate agent, the moral personage called *civil society*. In civil society, each of its members exerts a double will, the one as a commoner of nature, the other as a member of the corporate body. The first is erratic, impulsive and selfish; the other is social, or rather, political, and its state of confluence with the like will of the other members, is, like that of those with which it is associated, pure, enlightened and disinterested. It is this confluent will which gives form to the government and law to the community; which displays its power in the constitution, and the code which controls, restrains and regulates the selfish will of individuals. It possesses all the attributes of supremacy, and is, in every state of civil society, the unerring arbiter and uncontrolled sovereign of the state. It is this will, and this alone, which imposes in the constitution the only *check* upon legislation which it can recognize, or to which it can submit. Any check or control of the legislative power, from any other quarter, or of any other kind, is neither more nor less than *tyranny*.

The limits prescribed in the constitution to the legislative power, are but the modes in which the sovereign has ordained that that power shall be exerted; for the ordination of fundamental rules, and the enactment of laws, are alike the exercise of the sovereign

power. It is from that consideration, that both the constitution and the code derive their authority. The settled canons of our political rights and of sovereign agency, are proclaimed in the constitution. For our civil rights, we examine the code. The Legislature, in supplying the code, display the will of the people, limited only by their own pre-ordinations in the constitution, and that government only is free, which knows no restraint upon the exercise of its legislative faculties, which was not imposed by itself in its organization; and among free governments, that is *freest* in which no restraint upon its legislative power is to be found in its constitution, which is not *essentially* necessary to its *existence* and *well-being*. It is by legislation only, that an organized government can express its *will*, and as the freedom of an individual is diminished or extinguished by the partial or total control of his will, so is the freedom of government diminished or extinguished by the partial or total control of the legislative power. Any people, therefore, which imposes in its constitution, a restraint upon the exercise of the legislative power, not necessary to the *well-being* of the government, so far uselessly diminishes its liberty; for, as in the animal body, the exercise of voluntary action is limited only by that mechanical action of the vital organs, which is necessary to the circulation of the fluids, upon which life depends; so, in the body politic, the power of legislation should be limited by that display only of *fixed will* in the constitution, which is necessary to its living and healthful state.

But it is urged, that the representatives of the people may err in the enactment of laws, and that therefore, the exercise of legislative power should be subject to the check and control of the judiciary. Why should they be subject to the control of the judiciary, rather than of the people, the only and legitimate sovereign? May not the judiciary err also, in the exercise of the controlling power? Are they less liable to err than the Legislature? But would not the skein of legislative power be strangely striped, if the control of the Legislature were taken from the people, to whom its members are immediately and directly responsible, and transferred to the Judges, to whom they bear no responsible relation? And is it not strange that the power to control the Legislature should be ascribed to the Judges, who are, themselves, immediately responsible to that body, as the organ of the people? But in controlling the only organ by which the people can express their will, would not the Judges control the people themselves? But the necessity of the control of the legislative power by the judiciary, is not perceived. Does either reason or the experience of governments, sanction it? It is believed not. The most solemn and eventful display of the legislative power which can be made by any people, is made in the organization of their government, in the formation of their constitution; and yet, so far from their being

availed in that interesting process, of the controlling wisdom of the judiciary, the Judges are, by it, then only for the first time, brought into existence, and that only in contemplation. It is reserved by that instrument, for the Legislature, the very body whom they assert the right to control, to create them, and prescribe their duties; and it would seem, that if the people were wise and virtuous enough to be trusted with the organization of the government, and with the specification and recognition in the constitution, of their great and essential rights, they ought to be supposed to be wise enough to enact laws for its administration—the latter as well without the control of the judiciary as the former. The same people that formed the constitution, enact the laws; and if they were equal to the former, they ought not to be supposed to be incompetent to the latter. Judicial control cannot be more necessary in the performance of the latter, than of the former; but the people, it is admitted, are sovereign, and the Legislature is the only organ by which they can express their will. To control, then, that only organ, is to control the people. But they cease to be sovereign when they are controlled, and the Judges who control them become the sovereign. This theory, then, of judicial control, eventuates in a curious spectacle—the creature controlling the creator—the subject, the sovereign; for the people, through their legislative organs, created the judges.

Again; it is certainly more rational to leave the control of the legislative power where reason and the constitution seemed to have placed it, in the annual and direct responsibility of the representatives to the people, than to concede it to the Judges. The concession would imply a surrender by the people of the governing power to the appellate court; for it is by legislation only, that the governing will of the people is displayed. That is essentially their mode, as they have ordained it in the constitution, of governing themselves. But why is it urged that the surrender should be made to three? Why not to one? Is not the reasoning in favor of the control of the power of legislation by the *three*, as much stronger in favor of the control of the people by one, than of their self-control, as three is numerically nearer to one than to half a million? If the judges possessed the purity and wisdom of archangels, it would be unwise to concede to them the power contended for, unless they were also immortal; for however wisely and beneficently they might exercise it, their successors might exert it wickedly and oppressively. Besides, if the principle were once conceded, some ambitious aspirant might relieve them of the trouble of exerting the controlling power, and take it with the entirety of legislation into his own hands.

Again; it is said that the judiciary is the weakest department in the government, and that there is security against the injurious exercise of the controlling power asserted for the judges, in its

weakness. If the judicial were really weaker than the legislative department, then would the doctrine of their right to control the exercise of the legislative power, be as absurd on philosophic, as it is erroneous on political principles. It would be to assert that the *minor* could control the *major*. But is the judicial *really* the weakest department of the government of Kentucky? The extent of the jurisdiction of the appellate judges, their tenure of office for life, and the exemption which their decisions enjoy from revision, reversal or control, would seem to indicate great strength in that department. They have society in their power, by having the dearest interests of every one of its members liable to be drawn into contest before them, and decided irreversibly by them. The extent and character of their jurisdiction, is calculated to impress awe upon all, and to excite by its perversion, the sympathy of but few. The worst decision, where individual interests only are involved, can affect afflictively but one of the parties. The sufferer experiences the condolence and sympathy of his immediate connexions and friends only, and they form but an inconsiderable portion of society; and even they may be constrained to be silent, lest by awakening the resentment of the judges, they should in time experience the like fate. It is only when, as in the cases above alluded to, the judges attempt to fasten upon society, principles incompatible with its fundamental *rights*, and to prostrate the remedial system, upon which its interests and its tranquility repose, that public attention can be awakened to judicial aberration and frailty; and even then, the strength of the department is displayed in the almost inaccessible posture of its incumbents. That the judicial department is in its political organization weaker than the legislative department, it is not less the felicity than the pride of the people of Kentucky, to know and believe. Hence, it is believed that it was not the intention of the people, that the latter should be controlled by the former. But that it is strong adventitiously, at least, is evinced by the effort made, as well by its incumbents as *others*, to sustain the obnoxious decision alluded to, and to prostrate the remedial system of the state.

Those who acknowledge the right of the people to govern themselves, and that their power to do so is supreme, and consists in their *will*, usually display a seeming reverence at least for their supremacy. What but an illusive consciousness of their strength, could have restrained the appellate judges from doing so? There is a majesty in public *will*, which it requires great confidence to defy; there is a force in it, which it requires great strength to resist. The constitution forms the only limit to its power; and it remains to be seen, whether it has furnished to the appellate judges a posture of exemption from the arbitrament of public sentiment.

But may it not be confidently asserted, that the people, in the construction of the legislative department, interwove in its machinery, by constitutional provisions, the only checking and controlling powers to which they intended to subject it? That department consists, according to the constitution, of the House of Representatives, the Senate, the Lieutenant Governor and Governor. The members of the first are elected annually, and serve one year only; those of the second are elected for, and serve four years, and one fourth of them are moreover elected annually. The Lieutenant Governor and Governor, are each elected for four years. The members of the house of representatives must have arrived at the age of twenty-four years; those of the senate at the age of thirty-five, before they become eligible to their respective branches. No person, while he continues to exercise the functions of a clergyman, can be elected to a seat in either house. No person who shall have been either a principal or deputy collector of taxes, can be elected until he shall have paid into the Treasury all arrears, and obtained from that department a *quietus*. There are superadded also qualifications as to the residence of the members of both bodies, and of the Governor and Lieutenant Governor. Both branches shall keep journals of their proceedings, and any two members of either branch, may, by calling for the yeas and nays, have the vote of the house recorded on the journals. The journals shall, moreover, be published weekly. The Lieutenant Governor shall preside in the Senate, and maintain order in that body, and in case of a division, give the casting vote. The Governor shall approve and sign every bill, or send it back to the branch in which it originated, with his written reasons for withholding his signature. Those reasons are to be spread upon the journals, and the vote is then to be taken upon it by yeas and nays; in which case it requires a majority of all the members elected to both houses, to give it the force of a law, against his *veto*. Whence all this particularity, this almost redundant caution in the process of legislation? Not, surely, with an eye to judicial control. Whence, but to permit those only to be employed in it, who were most capable of it, and to subject them, while engaged in it, to a strong consciousness of their responsibility to the people, and thereby to secure them against the indulgence of any erroneous, selfish or corrupt impulses whatever; to filtrate and clarify the stream of the people's *will*, from the impurities with which it might be tainted, by the channels through which it had to flow, before it should be chrystalized into *law*? The members of the lower house are to be elected annually, that they may go into session with a knowledge of the wants of the people, and of their will in relation to those wants, fresh in their minds. They are elected but for a short time, lest they should pervert or disobey that *will*; lest by mistaking the impulses of a portion, for the

will of the whole people, they might inflict *lasting ills* upon the community. The period of their service is short, that their responsibility may be the more direct, and their consciousness of it the more vivid; that the ills inflicted by their errors, might be the more speedily corrected by their successors. The members of the senate are elected for four years, for the purpose of checking and controlling any feverish, impulsive, or tumultuary tendency which might be displayed on the part of the immediate representatives of the people; while the latter, in turn, were intended to check and control any aristocratic direction which that body might, owing to its more remote and less responsible posture, be disposed to take. The Governor's limited legislative power was superadded, as a check upon both, in the maintenance of that equipoise between them, in the exercise of their respective powers, which would be alike remote from the evils of anarchy and aristocracy. The term of his service, his incapacity for immediate re-election, and his remote exemption from the power of either branch, qualified him admirably for the exercise of a limited control over both. To all these cautionary provisions, there is superadded in the constitution, the provision that every bill, order or resolution, before it can have the effect of a law, must be read and free discussion had thereon, on three several days, in each house, unless four fifths of the members shall dispense with the rule. Surely, if the one hundred members of the House of Representatives, the thirty-eight of the Senate, the Lieutenant-Governor and the Governor, possessing the qualifications, occupying the postures, and performing the duties prescribed to them in the constitution, cannot, in the exercise of the legislative power, secure the confidence and promote the comfort of society, that great object cannot be accomplished by superadding the control of the *three Judges*.

But is there any peculiar or intrinsic fitness in the judicial department, for the control of the legislative? Are they less frail and more inaccessible to the impurities which might taint the streams of public will, in their meanderings through the channels of the legislative process, and their more ramified meanderings throughout society? The Judges, appellate and subordinate, form a distinct official corps. They are, by their official situation, apart from the great body of the people, to a certain extent. Their number is comparatively small; their power, as has been shown, necessarily great. Their duties lead them to an intercommunion with each other and with the few in society, (rather than with the people,) who, by their wealth, as they by their salaries, are exempted from the usual employments of common life, and the consequent cares and inquietudes which are inseparable from the condition of the great mass of mankind; and it is this common condition of mankind, which needs the remedial energies of government, and must always invoke them when they are needed. Habitudes of thought and of

action, peculiar to the posture of rule and dominion, which the Judges occupy, are naturally superinduced; and being aloof from the people, they cannot be supposed to be sufficiently acquainted with their condition and their wants, to exercise usefully, either the legislative power, or safely to check and control its exercise.

But what ought, it is believed, to be decisive upon this subject, is, that both the departments are destitute of political power, further than they derive it from the people, the acknowledged source of all the power belonging to civil society. They are but functionaries; the one to promulge the will of the people, and the other to carry it into effect. The will expressed by the one, is the rule of the official conduct and duties of the other. But if the latter could control the former in the exercise of its legislative powers, then it could, by that control, regulate its own conduct and duties, by its own *will*, thereby uniting in itself, the legislative with the judicial power, contrary to the spirit and letter of the constitution. For, to control the will of any agent, is to deny to it the power of action, in any other mode, than according to the will of the controlling *power*. So the power asserted for the judiciary, is, in effect, the power to control the people. It is the ascription to them, of the paramount and sovereign power of the state.

To this the people cannot consent. They acknowledge it to be the duty of Judges to determine upon the validity of any law, when its constitutionality shall be drawn into contest before them, in any cause which it becomes their duty to decide. Their power to do so is incidental to their judicial duty, and must be exerted under their official responsibility to the people, through their representatives. The law was enacted by those representatives under a direct responsibility to the people. The decision of the people, in relation to their responsibility, should be alike efficient, and alike acquiesced in by the members of both departments. It ill becomes the members of either, to question the power, or to distrust the integrity, or the intelligence of the people; for when the competency of the people to govern themselves is acknowledged, there is in the acknowledgment conceded to them, the intelligence, the virtue and the power necessary to all the purposes of self-government, the concession of the end being a concession of the means. A law, therefore, declared by the Judges to be unconstitutional and void, should be so obviously and palpably so, that the people, when their attention was drawn to the subject by the decision, would perceive at once, that their representatives had erred in its enactment, and sanction the declaration of its invalidity by the Judges.

The people have no motives, they can have none, to take part with the members of either department, unjustly or injuriously to those of the other. Their object is, and must necessarily be, the

promotion of the general welfare. They cannot sanction or connive at any error or obliquity in either department, which threatens to contravene or thwart that great object. The general welfare consists in the enjoyment of his rights, political and civil, and the performance of his duties, by every member in the community. Political rights are seldom violated by individual aggression; and when individual rights are assailed by individual outrage, reparation is speedily awarded, while Justice regards the public will as the criterion of her awards. It is, as history and observation prove, from the *official runks* that danger to the political and civil rights of society is to be apprehended. It is under the mask of the exercise of official duty, that oppression is inflicted upon individuals, and fastened upon States. The vigilance of society should, therefore, be always awake to danger from that quarter.

Power of every kind should be watched by a free people, with a zeal proportioned to their regard for their freedom. But executive power installed for life, as in the Judiciary, should be the subject of *jealous vigilance*; and that vigilance should be displayed more especially in the enactment of its execution laws. It is the practical operation of these laws that forms the points of sensitive contact, between the force of public will and the sensation of the individual members of the community. It is at this point, that official malversation inflicts great agony upon society. This is the point at which legislative enactments should limit official discretion; and this is the point also at which the sensation of society pays the greatest homage to legislative wisdom and power. For when the sheriff or the marshal seizes the property of an individual and bears it off, nothing but the authority under which he professes to act, distinguishes him from a robber or a tyrant. But the knowledge of the proprietor, that he is an officer, and that his property is in the custody, not of the individual, but of the law, to be dealt with, not according to the discretion of the *man*, but to the will of the community, reconciles him to the measure, and tranquilizes his mind. The consciousness that the laws under which the seizure was made, were enacted by the people, and that while they proclaim the liability of his property to seizure, they limit and define the authority, and prescribe the duties of the officer in relation to it, has a mighty influence in winning his quiet acquiescence. The nature of the duties, therefore, of the ministerial officers of justice, and the relations into which they are thrown in the performance of those duties, render it peculiarly proper, as well in relation to the security of individuals from oppression, as in relation to the tranquility of society and the authority of the government, that those duties and relations should not be left to judicial or ministerial discretion, but be defined by legislative enactments.

That such was the intention of the people, is evinced by their constitution. There is no form given in that instrument in which an execution shall be made out. It designates no period at which it shall be issued, or within which, after it shall have issued, it shall be levied and returned. It is entirely silent as to the mode of proceeding in civil cases. Nothing is said about the writ original, intermediate process, or writ final. It enjoins, in the thirteenth section of the tenth article, that "all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have *remedy* by the *due course of law*, and right and justice administered without sale, denial or delay." But it furnishes no *code of law*, by the *'due course'* of which justice is to be administered. It is not to be administered according to the *discretion of the Judges*; it is to be administered by the courts, "without sale, denial or delay, according to the *due course of law*;" and as the *'law'* by the *'due course'* of which it is to be administered, is not to be found in the constitution, it must be looked for in the statute book. Not having been ordained by the people in their constitution, they must furnish it by their legislative enactments, or the Judges must furnish it. But it is not pretended that the Judges can enact laws, whereby to administer justice. They are to *administer justice according to law*, not to make laws. The Legislature, then, are to enact the laws by the due course of which justice is to be administered by the courts. Now, in furnishing the kinds of execution and prescribing the *mode* by which, and the time within which, they should be executed and returned by the ministerial officers, the Legislature were left by the constitution to the *free exercise* of their *discretion*, subject to the control of the people only.

But it is alleged that the clause of the constitution of the United States, which provides that "no state shall pass any *ex post facto law*, or law impairing the obligation of *contracts*," prohibits the legislature from exercising its discretion as to the time within which an execution shall be levied and returned. Those who urge that sentiment, must insist that every execution shall be levied and returned in the *shortest possible time*, and that the courts shall, in every instance, determine, from the circumstances of the case, what is that *shortest time*. But the fifth amendment to the constitution, provides, that no person shall be deprived of his life, or liberty, or property, without "*due process of law*." But an execution deprives the defendant of his property. It must, therefore, be a '*process*' formed and regulated by '*law*;' so that both constitutions alike prohibit the judges from administering justice according to their discretion, or to any other criterion *than law*.

But if an execution must be issued, levied and returned, in the shortest possible time, in every instance, then the mode of proceeding on the part of the ministerial officers, cannot be prescribed

by the legislature, and the administration of justice cannot take place according to *law*, as *prescribed by both constitutions*. The discretion of the judges, exercised upon the circumstances and situation of the parties, and their proximity to, or remoteness from the office whence the execution emanates, must determine the time and furnish the rule in each particular case. The same discretion must be exercised in ascertaining whether the officer has performed his duty with the requisite dispatch; and what is worse, this discretion must, in every instance, be exercised *retroactively*, to furnish the law of proceeding in each. Can any thing more tyrannical be conceived of? Upon this hypothesis, the rights of the people would be subjected, in the first instance, to the *discretion* of the sheriff or his deputy, and in the last to that of the courts. *Discretion*, when exercised by the appropriate department, under the appropriate responsibility to the people, in the enactment of laws in relation to this subject, is the process by which a free people regulate their own concerns; exercised by any other description of magistracy, it is tyranny, and the people who acquiesce in its exercise, *cease to be free*.

But if it be conceded, *as it must be*, that neither the constitution of the state, nor of the United States, furnishes any execution law, and consequently that it is not less the right, than the duty of the legislature, to furnish those laws, it must be admitted also, that the enactment of a system of execution laws, involves the exercise of legislative discretion—necessarily involves that exercise; for it is essentially matter of discretion, what shall be a reasonable time within which to levy and return an execution. A general rule upon this subject must be inferred from a comprehensive survey of the condition of society, and of all the causes, moral, political and physical, which may essentially affect that condition. But whatever is essentially and intrinsically matter of discretion, must abide the award of the power to which its ascertainment or decision is confided; and the enactment of the execution laws, having, by the constitution, and the nature and fitness of things, been confided to the legislative department, and having been arranged, settled and ordained by their discretion, must continue to be the rule of action, until altered by the same power. For whatever is incapable of being subjected to any fixed rule of ascertainment, must necessarily, if it be settled at all, be settled by the exercise of discretion, and result in opinion; and the opinion of the judges, if they had the right to form one, however different it might be, could not, according to their own well established doctrine, reverse that of the legislature. It is on this principle that all enlightened judges refuse to grant new trials, in actions of tort—actions in which, what ought to be the amount of the verdict, is essentially matter of opinion with the jury. The opinion of the court, that the verdict of the jury is for too *much* or

too *little*, will not authorise its vacation or reversal; and simply for the reason that what its amount ought to have been, was, in its nature, matter of discretion—of opinion, and has been settled by the department whose province it was to settle it. If it might be reversed by opinion, the opinion reversing it, might, on the same principle, be reversed. There is no fixed rule by which it can be ascertained that the one opinion is more just and certain than the others, and proceedings would be endless and fluctuate upon discretion in relation to all matters depending upon its exercise, unless the first opinion were decisive. It is, therefore, in all such cases, necessarily decisive.

Upon this principle, which is alike imperiously true in law and politics, the legislative enactments in relation to executions and the mode of proceeding under them, should remain unreversed by the Judges, even if it were conceded (which it is not) that they could, as in jury cases, take cognizance of the subject. But have the Judges the exclusive right to interpret the constitution for the citizens of the State? Is not the constitution as much the political text book of freedom, to the citizens of the State, as their articles of religious faith are, to the believers of any one religious denomination? Is it not the right, as well as the duty, of all the members of the religious society, to read and construe their book of faith for themselves? Would they be bound to adopt that exposition of it by their preacher, which was at war with the fundamental principles of their association and their creed? And which ought they to change, their *creed* or their *Pastor*? Would not the members of the association, in that case, revolt at the idea of surrendering the right of expounding for themselves, and submitting to his heterodoxical dogmas? Would they submit to dissolve their society, or surrender their creed, rather than remove their Pastor? They are exclusively interested in the orthodoxy of their faith; they each have to suffer, or enjoy, as they shall believe and act correctly, or the contrary. Is it not precisely the same case in the political association? The members will enjoy or suffer according to their faith. But how can they believe, unless they understand; and how can they understand, unless they enquire, read and expound for themselves? In the religious society, the members of the association formed the articles of faith, and employed the Pastor, not to make them a faith, but to preach according to the faith which they had made for themselves. So, in the political society, the Constitution is the book of the political faith of the members of the society. They made it, and they employed the Judges to preach or expound it according to their understanding of its import, according to their political faith. When the Judges, therefore, expound it contrary to the fundamental principles of their political faith, shall they surrender their faith, or, as the religious association did with their Pastor, remove the Judges?

The constitution is the people's, and when they cease to understand it, it ceases to be theirs. The general opinion of the import of the constitution, is necessarily and alone the constitution. It is the deliberately expressed will of the majority; and to suppose that there is not in society, intelligence enough to comprehend the purposes of its own deliberate will, in relation to the most essential rights of its members, and to the rights, powers and duties of its functionaries, is to assert that the people not only do not possess freedom, but are incapable of enjoying it; for, to the enjoyment and maintenance of freedom, there must be a capacity to comprehend the principles upon which it depends. When, therefore, the Judges have given an interpretation to the constitution, which is contrary to the general understanding of it by the community, an interpretation in which they cannot acquiesce, a decent respect for public opinion, especially when that opinion is deliberately formed and expressed, ought to induce them to surrender it, or their offices; for it is unsuitable and incongruous, that public functionaries should wage war with public opinion. They are trustees, and when they lose the confidence of the *cestui que trusts*, they should resign the trust. They are public *fiduciaries*, and they should not continue to be so, without the public confidence, and against the public opinion. They should not forget that public opinion is a tribunal of unlimited jurisdiction, and correspondent power. There is nothing of which it does not take cognizance, from the most exalted, to the humblest subject of human concern. By what other standard do we settle claims to moral excellence, or intellectual pre-eminence, to delicacy of taste or propriety of conduct, to distinction in arms or in arts? It is this tribunal which awarded epic pre-eminence to *Homer*, dramatic supremacy to *Shakespeare*, and immortality to *Washington*. It is to public opinion we submit our claims to reputation, which is dearer to us than life itself. What is excellent in painting or exquisite in music; what constitutes the grand, the beautiful, the sublime in nature, as well as all that charms in art, are settled, and irreversably too, by this august tribunal. Even the decencies and comities of life and of social intercourse, are settled by the same arbitress. And shall public opinion be competent to all this, and be unequal to the interpretation of an *article* in the constitution, be ignorant of what constitutes the *obligation* of a contract?

The attempt by the judges in that decision, to prostrate the remedial system, which the legislature had enacted in obedience to circumstances of peculiar and resistless pressure, by denying to society the power of accommodating its remedial enactments to its condition, and that too, upon subtle and metaphysical reasoning in relation to the obligation of a contract, by which to bring the power of legislation within the control of judicial discretion, in its exposition of the constitution of the United States, must have, it is

believed, the reprobation of public opinion to an unqualified extent; and that reprobation must be strengthened by the consideration that two of the Judges, (Judges Mills and Owsley,) sanctioned in their legislative capacities, anterior to their elevation to the bench, by their votes in the legislative hall, the very principle, which, by their decision, they have attempted to vacate and annul. Each of those gentlemen voted for the enactment of replevin laws, as the records of the legislative department evince. They have all, at various times and repeatedly, sanctioned by their decisions, the principles upon which the right to enact them is asserted by the legislature, and has been sanctioned in usage, almost time immemorial, by the people. As legislators, they believed with the rest of society, that there existed in the *nature of things*, a distinction between the *obligation* of a contract and the *remedy* furnished by the legislature for its enforcement; that the former consisted in the *consent of the parties upon a valid consideration* to the import of the contract; that the latter consisted in that modification of the force of public will, which the discretion of society, upon a just survey of its condition, chooses from time to time to afford in legislative enactment for remedial purposes; that the former consisted *essentially* in the exercise of the *volition of the parties*, displayed upon *valid consideration* in their *assent* to the contract; the latter in the *volition of the people*, displayed in remedial enactments. The declaratory laws furnished the rules as to the competency of the parties to exercise their will in the formation of their contracts, and as to the character of the consideration essential to their validity; the remedial laws provided for their enforcement only.

But upon the *new theory* established by the Judges, that the obligation of a contract consists alone in the remedy for its enforcement, legislative power must yield to judicial discretion. It must always be a matter of discretion with the Judges, whether the legislative remedy is conformable to their notion of the obligation of the contract, and their exposition of that clause of the constitution, which forbids the states to impair, by legislation, the obligation of contracts, and, consequently, the rights of the people must depend, not upon law, but upon judicial discretion. That such has not been their opinion heretofore, may be seen by their decisions in the cases of *Grubbs vs. Harris*, 1 Bibb 567, of *Reardon vs. Searcy's heirs*, 2 Bibb 202-3, and of *Graves vs. Graves' executor*. In the first of those cases that court says: "Upon the propriety of the *remedy by petition, &c.* we can have no doubt. The statute is general as to the description of direct debts, whether they have commenced *before*, or shall exist *after* the passage thereof. The statute does not change the *essence of the contract*. It is the *mode of recovery only, which is changed*. If the proper distinction is observed, between those laws which have reference to the *essence, nature, construction or extent* of the contract, and those which have reference

only to the mode of enforcing the contract, the question will be plain. The *lex temporis*, &c. the means afforded by the law for enforcing a contract, in case of a breach or non-compliance, make no part of the contract, and the modes of bringing suit and of execution, are different from, and make no part of the contract. They do not enter into the essence of the contract. So the forms of suit and of execution in our own country at this time or that, make no part of a contract at one time or the other, and the Legislature are at liberty to adopt this or that mode of enforcing contracts, which the circumstances of the country may suggest as expedient." The Judges say, in the second case: "It is certainly a well settled rule, that the law at the time the contract was made, composes a part of it, so far as relates to the nature and construction of such contract; but it is equally well settled, that the remedy to enforce such contract, must be according to the law in force at the time such remedy is sought," &c. "Contracts are not made with an eye to the law that shall enforce them, &c.; but with an expectation of each party's performing with good faith, what he has stipulated to do." In the third case they say: "With respect to the nature and validity of contracts, and the rights and obligations of the parties, arising out of them, the principle is well settled, that the law of the place where the contract was made, is to govern; but with regard to the remedy, the principle is equally well established, that the law of the country where the contract is sought to be enforced, ought to be the rule of decision. The statute of limitations does not affect the validity of contracts, but the time of enforcing them; or, in other words, it does not destroy the right, but withholds the remedy." In the case of *Stanley vs. Earl*, lately decided, they say, that "the statute of limitations not only destroys the right, but invests the adverse possessor of a slave, with the right to recover him from the true and rightful owner."

The Supreme Court of the United States, in the case of the *Columbia Bank vs. Oakley*, (4 Wheaton 214,) say: "In giving this opinion, we attach no importance to the idea of this being a chartered bank. It is the remedy, and not the right, and as such we have no doubt of its being subject to the will of Congress. The forms of administering justice, and the duties and powers of courts, &c. must forever be subject to legislative will, and the power over them is inalienable, so as to bind subsequent legislatures." And the same court, in the case of *Crozninshield vs. Sturges*, reported in the same book, page 200-1, say: "The distinction between the obligation of a contract and the remedy given by the legislature to enforce that obligation, has been taken at the bar, and exists in the nature of things. Without impairing the obligation of contracts, the remedy may certainly be modified, as the wisdom of the nation may direct," &c.

Here it is seen, that the Judges of the Court of Appeals have said, in three cases, that the remedy formed no part of the obliga-

tion of the contract, and might be altered, varied and amended, without impairing the contract or its obligation. The Supreme Court of the United States have said the same thing, in strong and distinct terms. Yet the Judges, in the cases of *Blair vs. Williams* and *Lapsley vs. Brashear*, say, that the remedy constitutes alone the obligation of the contract, and cannot be varied without impairing that obligation, and that any law varying the remedy, is, on that account, void; that the statute of limitations, by taking away the remedy, extinguishes the right. They say, that the right consists alone in the remedy. The Supreme Court say there is a distinction in the nature of things, between right and remedy.

In the case of *Graves vs. Graves' executor*, Chief Justice Boyle says, that the statute of limitations does not affect the validity of the contract; it does not destroy the right, it only withholds the remedy. In the late decision, they say, that the replevin bond is void against the creditor, but good against the debtor; that is, that the sovereign people of the State of Kentucky have not the power to pass a law giving validity to the bond; but a single creditor, whether citizen or alien, has the power to give it validity against the debtor and his securities. So that the same law, when enacted by the State, is unconstitutional and void, and when enacted by a creditor, is valid and binding; or, in other words, a replevin bond is void against the creditor, because it is a statutory bond, and the statute was void; it is valid against the debtor and his securities, when the creditor shall choose to have it so, and because he so chooses.

That court has, in the case of *Stanley vs. Earl*, (5 Littel 231,) pronounced at the last spring term, given an opinion, in which they have employed the whole force of their intellect, to sustain this new doctrine, that right consists alone in remedy. They apply, with much emphasis, the term *legal*, to right and remedy, and by the adjunction of that term to the other two, arrive at a conclusion not very favorable to the good morals of society. The operation which they give to the new principles, excites to the most flagrant dishonesty, by the premium which it accords to its achievements; and they denounce as unfit to be reasoned with, all who do not yield to the force of their reasoning.

The replevin principle had been sanctioned by successive enactments in Virginia and Kentucky, from the formation of the constitution of the United States, and by the State of Virginia for near half a century anterior to the erection of Kentucky into a State. The valuation principle possessed the sanction of enactments by both States, and by the Congress of the United States. Its practical sanction by the people and their functionaries, legislative and judicial, had, it is believed, become too inveterate to be disturbed, even if it had been erroneous; for there is an inveteracy of practical exposition, even of the constitution itself, which cannot be disturbed.

But the principle, in its practical results, is calculated to convulse society. The sales which have been made of lands and slaves under execution, have been, since the commencement of the government, in the ratio of at least ten to one, upon replevin and forthcoming bonds. If those bonds were all void, as they must be, according to the *new theory of obligation*, it would seem to result, obviously, that the executions were void; and both being void, the sales would also be void, and invest no title in the purchasers. For if there be a truth in the stores of philosophy, more accessible to common sense, and more intelligible to common understanding than any other, it is, that a lawless and void act can invest no right. Out of nothing, *nothing comes*. But the first and most practical result of the opinion, if it had not been prevented by the cautionary enactment of the legislature, before alluded to, must have been to strike dead at once upon the hands of society, its entire paper medium, which then exceeded, and perhaps now exceeds, two millions of dollars; and to subject the property of debtors to instant sale for gold and silver. For who would receive in payment of his debt, a depreciated paper currency, when he could force, without *replevin* and without *valuation*, the sale of his debtor's property, at whatever sacrifice, for gold and silver? The decision was calculated to afford to banking institutions, a jubilee of exemption from legal restraints, in the coercion of their debtors.

Society could not, it cannot now, bear the practical results of the new doctrine. It cannot live under them. It cannot surrender the right to exert, according to the limits prescribed in the constitution for their exertion, those remedial energies with which God and nature endowed it, for the avoidance and mitigation of human misery, and the promotion of human happiness. It was for the right of exerting this power, that the blood of the revolution was shed, and independence achieved, by the patriots of seventy-six; it is for the exertion of this power, that Greece is now prodigal of her blood, and agonizing at every pore—the power of self-government by the people, of suiting, by their legislative enactments, their laws to their condition, and of varying them upon the same principle, when their condition shall be varied.

Your committee, therefore, while they reverence appropriately the judicial functionaries of the government, and applaud and admire that independence, in that department, which, in giving effect to the laws, is regardless of every will, but the deliberate will of the people, feel themselves constrained to report as follows:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the principles asserted in the decisions pronounced by the judges of the court of appeals, in the cases of *Blair vs. Williams* and *Lapsley vs. Brashear*, are incompatible with the great principles upon which the rights, interests and happiness of the good people of Kentucky depend; that they encroach upon the

just and necessary exercise by the legislature, of the powers accorded by the constitution to that department; that in narrowing the legislative power, they encroach upon the freedom of the people, and the encroachment might, if acquiesced in, be carried to its utter extinction; wherefore, they do most deliberately and solemnly, again, in the name of the good people of this commonwealth, protest against the obnoxious principles of those decisions, as encroachments upon the fundamental principles of freedom and the inherent rights of the people.

And whereas the hope with which the people flattered themselves, turned out to have been fallacious, that the Judges of the Appellate Court, upon being satisfied, as it is believed they ought to have been, by the result of the last elections, associated with the expression of legislative sentiment before alluded to, would evince their regard for public sentiment upon this momentous subject, by the resignation of their offices; and as the only mode left to avoid the obnoxious principles of their decision, is to remove the Judges: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That John Boyle, Chief Justice, and William Owsley and Benjamin Mills, associate Justices of the Appellate Court of this State, be removed from their respective offices, and that the following address be presented to the Governor of this Commonwealth, viz:

TO HIS EXCELLENCY, JOSEPH DESHA, GOVERNOR OF THE COMMONWEALTH OF KENTUCKY.

Two-thirds of each branch of the Legislature concurring therein, respectfully show to your Excellency: That John Boyle, Esquire, Chief Justice of the Court of Appeals of the State of Kentucky, ought to be removed from that office, because he has asserted and attempted, by his judicial authority, to propagate and fasten on society, in his decisions pronounced in the cases of *Blair vs. Williams* and *Lapsley vs. Brashear*, doctrines and principles incompatible with the great and essential rights of the freemen of this republic; and because he adheres to, and has reiterated his attempt to rivet those obnoxious doctrines and principles upon society, in the opinion pronounced by him, at the last spring term of that court, in the aforesaid case of *Stanley vs. Earl*; and because, in those opinions, he has denied and persisted in denying to the legislature, the exercise of its legitimate power in the enactment of replevin, valuation, (and in effect) occupying claimant laws, and other remedial enactments, by vacating those laws and denying their authority.

They would further respectfully show to your Excellency, that William Owsley, the second Judge of that court, has concurred with the Chief Justice in uttering, propagating and endeavor-

ing to fasten on society, the obnoxious, erroneous and unjust doctrines and principles aforesaid, and in re-asserting and persisting to endeavor to rivet them upon the free people of this Commonwealth, and in denying to the Legislature the legitimate exercise of the power constitutionally belonging to that department.

And they would further most respectfully show to your Excellency, that Benjamin Mills, Esq. the other and only remaining Judge of that Court, hath concurred with the other two Judges, in the promulgation and propagation of the unjust and erroneous principles and doctrines aforesaid, and hath united with them in their endeavors to fasten and rivet them upon the free people of this State, and to restrict the legislative department in the exercise of its constitutional and legitimate powers.

They, therefore, pray your Excellency to remove the said John Boyle from the office of Chief Justice of the Court of Appeals of the State of Kentucky. And having removed him, they pray that, for the same reasons, your Excellency would remove the said William Owsley from the office of second or associate Judge of the Court of Appeals of the State of Kentucky. And having removed each of the aforesaid Judges, they pray that, for the same reasons, your Excellency would remove the said Benjamin Mills from the office of third Judge of the Court of Appeals of the State of Kentucky.

ANDREW S. HUGHES, *Chairman*
Committee of the Senate.

JOHN ROWAN, *Chairman Committee*
House of Representatives.

Ordered, That said report lie on the table for the present.

Mr. Beauchamp offered the following resolution, to wit:

Resolved, That 1,500 copies of the report made by the joint committee raised on so much of the Governor's communication as relates to the decisions of the Court of Appeals, be printed, for the use of the General Assembly.

Which being twice read, was adopted—Yeas 19, nays 17.

The yeas and nays being required thereon by Messrs. Davidson and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, Muldrow, Stephens, J. Ward, White and Wickliff.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in the Senate, of the following titles, viz. An act to extend indulgence to the Judges of the 13th and 11th judicial districts; an act to annul the marriage of George and Polly Utley.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did on this day approve and sign enrolled bills of the following titles, to wit: An act for the benefit of Thomas Burgess, a free mulatto; an act for the benefit of Henry B. Montague; an act for the benefit of Peter Mills; an act to provide a room for the Court of Appeals; an act for the benefit of Barbara Price; an act to establish the line between Oldham and Henry counties; an act to authorise the inhabitants of the town of Owenborough to elect the trustees of said town; an act for the benefit of James M'Caughan; an act to authorise the taking depositions in certain cases at common law; an act to authorise the inserting of certain advertisements in the Kentucky Farmer.

Mr. Bowman, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to provide for the disposition of the estate of William Moore, deceased, reported the same without amendment, and the said bill was ordered to be read a third time on to-morrow.

On motion, a bill from the House of Representatives, entitled "an act appointing a commissioner of the road from Mount Sterling to the Virginia State line, by the way of Prestonsburg, and to instruct the commissioner in relation to the same," was taken up and passed to a second reading; and thereupon, the rule, constitutional provision, and second and third readings of said bill, being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Howard inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Thomas:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Henry Miller and Peter Anderson," in which they request the concurrence of the Senate.

Mr. Flournoy, from the select committee to which was referred a bill concerning securities, reported the same with amendments, and, on motion, the said bill and amendments were laid on the table for the present.

A message from the House of Representatives, by Mr. Summers:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the insertion of certain advertisements in the Western Herald and Farmer's Register," in which they request the concurrence of the Senate.

On motion, Mr. Lockett was excused from serving on the committee appointed to examine the Auditor's office, and Mr. Muldrow was appointed in his place.

Mr. Ewing offered the following resolution, to wit:

Resolved, That the Secretary furnish the Sergeant-at-arms with copies of the report of the joint committee raised on that part of the Governor's message concerning the Court of Appeals, and that the Sergeant furnish each of the Judges of said Court with a copy thereof, together with this resolution, and that the Senate will proceed to act on said report, on Thursday the 2d day of December next.

Which was twice read, and pending the discussion thereof, the Senate adjourned.

FRIDAY, NOVEMBER 26, 1824.

The Senate assembled.

Mr. Denny read and laid on the table a resolution raising a joint committee to examine into, and report the conduct and accounts of the Keeper, Agent and Building Commissioners of the Kentucky Penitentiary; when, on motion, the rule was dispensed with, and said resolution was taken up, twice read and adopted, as follows, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the Senate and six from the House of Representatives, be appointed to investigate the accounts and conduct of the Keeper, Agent and Building Commissioners of the Penitentiary; and that said committee report the result of their investigation to the General Assembly; and that they have power to send for persons, papers and records.

Ordered, That Mr. Dudley carry the same to the House of Representatives, for their concurrence.

The Speaker laid before the Senate a letter from George Shannon, Esq. covering his response to certain charges contained in the memorial of Valentine W. Peyton against him, which was read as follows, to wit:

To the honorable the Senate of Kentucky.

In response to the memorial presented by Valentine W. Peyton to your honorable body, remonstrating against the confirmation of my appointment as Circuit Judge for the tenth judicial district of this Commonwealth, I beg leave, most respectfully, to submit my statement of the facts, as I recollect them, in relation to that portion of my conduct of which the said memorialist complains.

At the last May term of the Bourbon Circuit Court, the suit mentioned by the memorialist, was continued; but for which of the parties, or whether it was for either of them, I do not recollect. At the succeeding August term, the cause was continued upon the application of the memorialist himself, who made oath in open court, to the truth of the facts upon which he based his claim to a continuance. The circumstances and facts which he stated, were not such, as in my opinion would, in the strictness of the practice, have entitled a resident litigant to a continuance; but being informed that he was the sole agent for the plaintiffs; that he lived at a great distance; that he had relied on his counsel to subpoena his witnesses, which had not been done; and that the cause was of considerable importance, I thought it my duty to be rather more indulgent to him than I think a Judge should be, to any litigant not laboring under similar disadvantages. At the last term of the same court, this cause was taken up early in the day on which it was called for trial, and a jury was empanelled and sworn in the case, and perhaps some witnesses examined, before the court adjourned for dinner. At two o'clock, the time to which the court had been adjourned, I was on the bench, and the jury were called at the court-house door by the sheriff, and afterwards at the bar by the clerk, and one of them not answering, was again called at the door several times, but did not come; and after having waited longer for him, than according to the rules of a rigorous practice, I ought to have done, and much longer than I think I would have waited in any suit between citizens of the county, I suggested to the counsel that I could wait no longer, and expressed a desire to know of them, if they would consent to try the cause with eleven jurors. To this they agreed. In a few minutes afterwards, the absent juror came in, and having been sworn to answer questions, he was examined, and not deeming his excuse sufficient, I fined him five dollars, and he took his seat in the jury-box. The trial then progressed until evening, when the court was adjourned until nine o'clock the next morning, and the jury were requested to be punctual in their attendance at *ten*. At nine o'clock the next morning, I was on the bench, and after hearing the orders read and motions, until it was perhaps past eleven, the jury being then all present, I urged the counsel to go on with their cause. One of the plaintiff's counsel suggested that a very important witness, residing at some distance in the country, had not come in; that without this witness, the cause could not be tried; that he was old and very infirm; that he expected him every moment, and expressed a desire that the trial should not be urged until he could be certain of having the witness present. The defendant's counsel professed a readiness to go on. After waiting some time for the witness, and he not coming, I adjourned the jury over until two o'clock, at which time they were requested to be

punctual in their attendance. At two o'clock, I was on the bench, and the jury being first called at the door by the sheriff, and then by the clerk at the bar, very soon all came in, but one. After he had been called several times by the sheriff, and I had waited for him until I thought duty compelled me to wait no longer, I desired to know of the counsel, if they would consent to try the cause with eleven jurors? To which one of the counsel for the defendant assented; but to which, I think, the counsel for the plaintiffs made no reply; if they did, I did not hear it, or do not remember it; and then immediately, it was suggested by the counsel for the defendant, that this was an important cause, and that they would prefer having a full jury. The absent juror was then, I think, again called; but did not come. The counsel were then again asked by me, if they would consent to go on with eleven jurors? To which I received no reply from the counsel on either side. After waiting a few minutes longer, and the absent juror still not coming in, I again asked the counsel, I think somewhat emphatically, to answer me unequivocally, whether or not they would consent to try the cause with eleven jurors? To which I received no reply. I could not compel the gentlemen to answer; but I could compel them to take the consequences of their silence, and having waited until I thought it highly improper to wait any longer for an answer from the counsel, and the court-house being filled with litigants in attendance with their witnesses, anxious for the trial of their suits, I considered it my duty again to direct the sheriff to call the absent juror, which was done, and he not coming, I directed the clerk to note his default, discharged the balance of the jury, continued the cause, and directed an attachment against the absent juror, returnable to the next term. About the time the jury were leaving the box, after the order discharging them had been made, one of the counsel, but which of them, I do not recollect, requested the sheriff again to call the absent juror, which I prohibited him from doing, because I thought it my duty, under all the circumstances, to adhere to the course which I had been most reluctantly compelled to take. I have since been informed, by the absent juror himself, that in a short time after the jury were discharged, he came into the court-house.

The foregoing statement contains my best recollection of the facts, in relation to that portion of my judicial conduct of which the memorialist complains.

After the most mature and scrutinizing reflection upon my conduct in this particular instance, I can feel no regret for what I have done, and would again, under similar circumstances, act precisely in the same manner. To the insinuation that I was influenced by a motive, which implies the highest degree of moral turpitude in a judicial officer, I can make no reply, as at the same time it is made by the memorialist, it is also disavowed by him.

That I may have frequently erred upon the bench, I think is highly probable; but I feel conscious, that any judicial error that I may have committed, must have resulted from mistake, and not from design. I have never claimed to be an able Judge; but have always believed myself incapable of being a dishonest one. It has been my constant aim, since I have had the honor of a seat upon the bench, to act with a single view to the correct and impartial discharge of my duty to the community; and if I have been so unfortunate as not to have been able to give entire satisfaction to all, I regret it; but I find a consolation in the reflection, that I have been uniformly influenced by pure motives, and, therefore, can make no apology for any portion of my judicial conduct.

GEORGE SHANNON.

Whereupon said response was referred to the same committee to which was referred the memorial aforesaid, and which was raised to enquire into the correctness of the charges therein contained.

Mr. Hughes presented the petition of the administrators of Andrew Snide, deceased, praying that a law may pass authorising a sale of part of the real estate of said decedent; which was read, and referred to the committee for courts of justice.

Mr. Hughes presented the petition of sundry citizens of Nicholas county, praying that a law may pass changing the place of voting in the election precinct situated on the north side of Licking river; which being read, was referred to the committee of propositions and grievances.

Mr. P. N. O'Bannon presented the petition of Whiting Washington and others, praying the passage of a law legalizing the sale of certain trust estate; which was read, and referred to the committee for courts of justice.

Mr. Denny obtained leave to report a bill for the benefit of the Presbyterian Congregation in Louisville; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and it was referred to a select committee of Messrs. J. Allen, Faulkner, Denny and Ewing, for amendment.

A message from the House of Representatives, by Mr. Holt:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to change the venue in the case of Isaac B. Desha," in which they request the concurrence of the Senate.

Mr. Daniel presented the petition of the Justices of Estill county, praying the passage of a law to authorise a sale of a certain portion of the public square in the town of Irvine, to enable the inhabitants of said county to erect a court-house, &c.; which was read, and referred to the committee of propositions and grievances.

Mr. Ewing, from the select committee to which was referred a bill for the relief of the Sheriff of Christian county, reported the same with an amendment, which being twice read, was concurred in, and the bill, as amended, ordered to be engrossed and read a third time on to-morrow.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill to amend the law concerning frauds; which passed to a second reading.

Mr. White, from the select committee raised for that purpose, reported a bill to amend the militia law; which passed to a second reading.

Mr. Hughes, from the select committee to which was referred the petition of the trustees of Augusta College, reported a bill pursuant to the prayer of said petition, the title whereof is, "a bill for the benefit of the Augusta College;" which was received and passed to a second reading.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill to authorise the giving of judgment bonds and notes in this Commonwealth; which passed to a second reading.

On motion, a bill from the House of Representatives, entitled "an act to change the venue in the case of Isaac B. Desha," was taken up and passed to a second reading; whereupon the rule, constitutional provision and second reading of said bill, were dispensed with, and it was ordered to be read a third time.

Mr. Carneal moved to dispense with the third reading of said bill, and that the same be now put on its passage.

Mr. Faulkner moved to commit it to the committee for courts of justice; and the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Dudley, leave was given to bring in a bill to amend the act entitled "an act providing for copying certain records in the Surveyor's office for Fayette county; and Messrs. Dudley, Flournoy and C. Allan were appointed a committee to prepare and bring in said bill.

The following messages from the Governor, heretofore received, covering sundry nominations, were taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Bennett G. Cartwright, to be commissioned according to law, Assistant Judge for the county of Graves, in the place of John C. Dodds, resigned.

JOSEPH DESHA.

November 25, 1824.

Gentlemen of the Senate,

I nominate for your advice and consent, James Pickett, to be commissioned division inspector of the 7th division of Kentucky militia, vice Benjamin Desha, resigned.

Joseph Miller, to be commissioned colonel of the 17th regiment, vice Samuel Estill, promoted.

John C. M'Williams, lieutenant-colonel of the same regiment, vice Joseph Miller, promoted.

John Harris, major of the same regiment, vice John C. M'Williams, promoted.

Archibald Woods, brigade quartermaster of the 13th brigade.

Jacob Oglesby, colonel of the 116th (a new) regiment.

Matthew Williams, lieutenant-colonel of the same regiment.

John Shirley, major of the same regiment.

William Rooney, colonel of the 117th (a new) regiment.

William Force, lieutenant-colonel of the same regiment.

Joseph Carter, major of the same regiment.

Joseph M'Clasky, colonel of the 62d regiment, vice Thomas Huston, resigned.

David Wood, lieutenant-colonel of the same regiment, vice Joseph M'Clasky, promoted.

Andrew Briggs, major of the same regiment, vice Daniel Wood, promoted.

JOSEPH DESHA.

November 23, 1824.

Whereupon it was resolved that the Senate do advise and consent to said several nominations, unanimously.

Ordered, That Messrs. White, Wickliff and Lyon inform the Governor thereof, the same being duly certified.

A message from the House of Representatives, by Mr. Thurston:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act for the benefit of James F. Nall, and an act to alter the time of holding the Jefferson county courts; in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Mayo:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorise the county court of Pike to lay an additional levy," in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

On motion, a bill which originated in the Senate, to regulate the issuing of tavern licenses, was taken up and committed to a select committee of Messrs. Maccoun, Dudley and C. Allan.

A message from the House of Representatives, by Mr. Hunter:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act appropriating money for the use of the Penitentiary," in which they request the concurrence of the Senate.

When, on motion, said bill was taken up and read, and ordered to be read again; and thereupon, on motion, the rule, constitutional provision, and second and third readings of said bill were dispensed with, and it was resolved that said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

On motion, (on account of ill health,) Mr. Mayo was excused from serving on the committee raised upon the memorial of Valentine W. Peyton, to enquire into the official conduct and qualifications of George Shannon, Esq. and Mr. Yancey was appointed to fill said vacancy.

And then the Senate adjourned.

SATURDAY, NOVEMBER 27, 1824.

The Senate assembled.

Mr. Crutcher presented the petition of sundry citizens of the counties of Green, Hardin, Nelson and Washington, praying the formation of a new county out of parts of those counties; which being read, was, with the accompanying documents, referred to the committee of propositions and grievances.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of Charles Mullins and Micajah Vanwinkle, praying leave to put up a gate on a road passing through their farms, *is reasonable*.

Resolved, That the petition of sundry citizens of Bourbon county, praying for an election precinct, *is reasonable*.

Resolved, That the petition of sundry citizens of Nicholas county, praying a change in the place of holding the election in the precinct north of Licking river, *is reasonable*.

Which being twice read, was concurred in.

Mr. Ewing moved that the committee of propositions and grievances be discharged from the further consideration of the petition of the Justices of Estill county; and thereupon said committee was discharged.

Ordered, That Mr. Daniel have leave to withdraw said petition.

Mr. C. H. Allen, from the committee for courts of justice, to which said bill was referred, reported a bill which originated in the House of Representatives, entitled "an act to change the venue in the case of Isaac B. Desha," with amendments, which

being twice read, were concurred in, and the bill, as amended, ordered to be read a third time; when, on motion, the third reading thereof being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner carry the same to the House of Representatives, and request their concurrence in said amendments.

Mr. Yancey, from the select committee raised for that purpose, reported a bill to authorise the courts of Barren, Allen and Nelson to appropriate certain fines and forfeitures; which passed to a second reading, when on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Beauchamp, Worthington and Forsythe, for amendment.

Mr. J. Allen, from the select committee to which was referred a bill for the benefit of the Presbyterian Congregation in Louisville, reported the same with an amendment, which being twice read, was concurred in, and the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Carnel, from the select and joint committee raised to visit the Transylvania University and Lunatic Asylum at Lexington, and to examine the accounts of the same, made the following report, to wit:

The joint committee appointed to examine the state and condition of Transylvania University, have discharged the duty assigned them, and beg leave respectfully to submit the following report:

The recess from legislation, afforded the committee an early opportunity of repairing to Lexington, and of making those enquiries and that examination, which were deemed of greatest interest to the state.

The report of the Trustees marked K, and the references to the several sub-reports upon which that is founded, constitute the principal sources of information, which were offered to your committee, and furnish more ample satisfaction, than could result from an abstract. They are, therefore, submitted in extenso. The documents are so full and complete in detail, that little remains to be said, except that vouchers were exhibited in support of the various items of account, manifesting the receipts and disbursements of the institution.

Since the report to the last Legislature, there has occurred a diminution in the number of students in the University, but not such as necessarily indicates any decline in public confidence.

The report of President Holley, indicates an extensive range of well selected studies, and such as must generally meet the approbation of an enlightened community.

The advantages resulting from college exercises, always more immediately depend upon the students, though skill in professors, and a well arranged and judiciously regulated course of study, act with strong auxiliary influence. In many branches of instruction, the committee witnessed a display of proficiency, which did equal credit to the students and the preceptor.

The report of professor Roche, on the classical pursuits of the University, is highly interesting, and is fraught with the most sound and correct estimate of the value of a close and intimate acquaintance with ancient lore. Your committee would suggest, that to require even a further advance, and greater skill in Latin and Greek, to obtain admission into the regular classes of the University, would, in their estimation, constitute no objection to the plan of education, but would in its ultimate results, be beneficial to the student, without injury to the institution. There exist in most sections of the state, schools in which the languages can be correctly acquired. It is probably more propitious for the morals of the child, that he should remain, during the era of youthful effervescence, under the immediate inspection of the parent; and were the attainments requisite to admission, of greater extent and higher accomplishment, there would be precluded from the institution, many whose maturity of experience, had not armed them with principles fixed, and convictions adequate to guard them against the fascinations of pleasure and the allurements of dissipation. By requiring a greater proficiency in Latin and Greek, than now demanded; the higher authors in those languages might be read, the maxims of pure, disinterested patriotism, more indelibly impressed, and the philosophy of language more accurately acquired. Each class might be elevated a grade, and more time given for application to natural, moral and political study. Your committee congratulate the University, the Legislature and the State, upon the establishment of the Morrison professorship of mathematical science, which the munificence of the late Col. James Morrison, has enabled the trustees of the University to add upon a foundation which will be permanent. Such a professorship has long been a desideratum in the institution, and whilst Law and Medicine, Phrenology, Craniology, Philosophy of Mind, Metaphysics, in all their multiplied and evanescent ramifications, were flourishing, cultivating the fancy, the heart and the affections, too little regard, your committee apprehends, was bestowed, and too low a rank was assigned to the exact sciences; the most necessary and most useful, in teaching how to think, to reason and examine for truth, to know it when found, and in their application to the affairs of life, and of the world. Thomas J. Matthews, who has been selected as Morrison professor, is a gentleman whose reputation furnishes a pledge that the department entrusted to his superintendence, will be conducted so as to increase that reputation.

do credit to the choice, and redound beneficially to the state. The increase of the several cabinets, of specimens in the academical and medical departments, indicate the interest which exists in their prosperity, and proves their growing importance. The library is extensive, flourishing, apparently well selected and under judicious management.

The philosophy of mind, can be as well studied in the acquisition of useful, practical knowledge, as in efforts to reconcile the jargon of the schools—the confusion of theories, in attempts to thread the mazes of metaphysical labyrinths, or pursue the attenuated fibres of speculative abstraction. From the observation which an intercourse with the world has enabled us to make, sound information and elevated maxims of morality, blended with a cultivation of a taste for the best models in literature, are the surest guarantees of a virtuous heart and well regulated affections. Moral and political philosophy, are the basis of that character which is most valuable in a republic.

The diminution of the students in the law class, may be attributed to the pressure of the times, the variation in taste, or probably to the fact, that each town contains a law school of its own, where the science is taught, and the art practically learned; or perhaps the number is settling down, to that which may be uniformly anticipated, for the supply of the vacancies in the profession. On this head we refer to report L. It is matter of pride to witness Kentucky irradiating her sister states with the light of knowledge, and dispensing the blessings of education to the youth of states so much older in political existence than herself. There are 155 students in the University from 14 states. There are 320 students pursuing in Transylvania University, the path of science, to usefulness and to fame. No object can be more grateful to the legislature, than to contemplate the prosperous results of that liberal and enlightened policy, which has patronised, fostered and cherished this institution into such maturity. The committee, amidst the many causes which exist for exulting at the prosperity of the University, can but regret, that that institution should still be indebted to the United States Bank, the sum of \$ 5,775 specie. This too, after the fund appropriated to the use of the University, out of the dividends of the Commonwealth's Bank, has been reduced to \$ 2,331 37 in paper, and after a distribution of ten per cent. upon the stock held in the Bank of Kentucky. They recommend to the trustees of the University, the strictest economy; that they refrain from incurring any expences not indispensably necessary to the vitality of the institution, until that debt is extinguished, and their fiscal affairs placed upon a safer foundation. It is also advised that the item of \$ 9,106. of old debts, as will be fully explained by report marked I, be critically investigated and scanned, so much realized as is practicable, and that which

cannot be collected, be at once credited by insolvencies, and be no longer estimated as a fund, swelling the value of the institution.

It appears from the report marked K, that Transylvania University will, from its profits, be perfectly enabled to support itself for the ensuing year. The public patronage which has been bestowed through legislative enactments upon this institution, your committee consider, has resulted in many fold profit to the state. The strength of the state, physically, consists in a vigorous yeomanry; morally, in the diffused intelligence and aggregate virtue of its citizens. Its wealth is as effectually promoted by reaping the harvest of its own industry and preventing exhaustion, as by an increase of productions or the direct accumulation of capital. Its political safety, the permanence of its free institutions, and the full growth of its patriotism, are especially ensured by that domiciliary education, which associates with the sunshine and brightness of childhood and adolescence, the verdure of its fields and the benignity of its laws.

The dollars that are saved, and the hundreds that are gained to the state, by the resuscitation of Transylvania University, though not to be disregarded by the political economist, constitute but dust in the balance, when it is remembered how the moral and political influence of Kentucky has thus been extended; and conscience tells us, our children and children's children, have been, and will be thus furnished the means of liberal, enlarged public education, in the bosom of their families and the lap of their country. No foreign manners; no habits incongenial with the softest, kindest, and at the same time, most refined and most elevated sentiment; no alienation of feeling; no propensity inimical to the simple republicanism of the father, is generated in the mind of that youth, who grows and ripens under the vivifying rays of his natal sun. In a moral and political point of view, your committee deem the influence of Transylvania University, of infinite importance. The prosperity of a republic, is founded on virtue. National virtue will, nay, must, always be proportioned to the intelligence of a community.

The most extended instruction, the most perfect acquirement, the most exquisite refinement of the few, constitute not that state of information, of intelligence, of education, which the patriot admires or the republican demands. Knowledge diffused through the aggregate mass of society, elevating, purifying, refining every class, is the foundation of public virtue and the soul of liberty. The diffusion of learning, not its accumulation in any individual, is most to be desired. What contributes to that diffusion so effectually as cheapness? What brings it so entirely within the family circle, as ingrafting it upon our own stock, and nurturing it in our own land? The influence of Transylvania University, is already

visible in that general eagerness for classical and liberal education, which supports the increased number of preparatory schools and subordinate colleges. Its influence will continue to spread; the bar, the pulpit, the legislative assembly and medical science, for unnumbered years, will hail with eulogy and thanksgiving, the enlightened epoch, which gave light and life to that institution.

The medical department is flourishing in a high degree. The state is peculiarly interested in the continued prosperity of this establishment, and your committee beg leave to refer to a letter of professor Drake, marked M, as a part of their report. Nothing can be more grateful to the pride of a Kentuckian, than the recollection that the land, which was so lately the haunt of the Buffalo and the Indian, is now the seat of cultivation and of literature, of the sciences and of the arts.

Much praise is due to the President of the University for its present prosperity. Much to the citizens of Lexington for their co-operation.

With many local advantages, and the advantage of an old, a wealthy and dense population, it is believed no literary institution is at this day, take it all in all, more flourishing than Transylvania University.

The committee would suggest for the consideration of the legislature, whether it would not be expedient to appropriate the dividend of the Branch of the Commonwealth's Bank, located in Lexington, after discharging what is now due by law to the University, to the defraying one half the expences of such buildings as are required, according to Doctor Drake's letter, for the medical institution, upon condition of the other half being paid by subscription, provided the half paid by the state should not exceed \$4,000.

The committee would do injustice to their feelings, were they not to express their highest admiration of the plan of government, adopted for the direction of the students, as developed in the President's communication to the board of trustees. They do not, cannot, doubt its efficacy and complete success, when addressed to the affections, the honor, and the pride of liberal, enlightened and moral agents.

From the Senate,

THO. D. CARNEAL, Chairman,
YOUNG EWING.

From the House of Representatives,

R. B. NEW, Chairman,
SILAS EVANS,
P. TRIPLETT,
JACOB A. SLACK,

K.

TRANSYLVANIA UNIVERSITY, DEBTOR.

1824, Sept. 1.—To amount of note payable to office of discount and deposit of the Bank of the United States, \$5,775 00	
Salaries due and payable as follows, viz:	
To President Holley, payable 1st Oct.	\$735 00
Professor Bishop, do.	300 00
Professor Butler, do.	320 00
Treasurer, do.	166 00
Clerk, 24th do.	50 00—1,571 00
Amount claimed by Mr. John Brown for salary from the 27th July until 11th August,	24 65
Receipts from the 1st of December, 1823, until 1st of September, 1824, viz: From Charles Humphreys, Esq. ex'r. of Joshua Humphreys, late Treasurer,	
	688 33
For tuition in college proper,	3,986 74
do. Preparatory department,	688 91
From students for fines imposed,	55 25
For fines and forfeitures,	547 70
Rents,	54 33
From Bank of the Commonwealth, part of the Legislative donation,	3,400 00
From Bank stock,	1,716 00—11,137 26
Balance in favor of the University,	94,386 69
	<hr/>
	\$112,895 26

1824,	CREDITOR.
Sept. 1.—By real estate, viz: University lot and buildings, estimated at	
	\$50,000 00
Green river lands, estimated at	6,000 00
Three small escheated lots in Lexington, estimated at	1,000 00
Fifty acres of land (leased) in Fayette, recently sold for	450 00—57,450 00
143 shares of stock in the Bank of Kentucky, at \$90 per share, \$10 on each having been received,	12,870 00
Libraries and apparatus, estimated at	20,000 00
Balance to be received from the Branch of the Bank of the Commonwealth, of the Legislative donation,	2,331 37
Old outstanding claims, per list,	9,106 63
Disbursements from the 1st of Dec. 1823, until 1st of Sept. 1824, viz. Paid to Professors, &c.	4,384 72
To sundries, (including \$1,913 36 paid in Bank,)	3,662 52

Interest and premiums,	2,947 80
Cash in the Treasury,	142 00—11,137 26

\$112,895 26

The committee on the part of the Legislature having called on the Trustees of Transylvania University for information relative to the situation of the institution generally, and more particularly as to its fiscal concerns; in conformity with this requisition, the board of Trustees appointed the undersigned committee to lay before the committee of the Legislature, the monthly accounts and vouchers, and the general account of the Treasurer, from the 1st December, 1823, until the 1st September, 1824, which were examined by said committee, who desired a transcript of the general account to be furnished to them, which is stated above, including also the stock account. From which it will be seen, that the stock of the University is as follows:

Real estate,	\$57,450
Library, &c.	20,002
Bank stock,	12,870
Due from the Bank of the Commonwealth,	2,331
Old debts, (these are of little value,)	9,106
Besides, the Morrison donation is	20,000

\$121,757

There yet remains due to the United States Bank, \$5,775, which will in part be discharged by the balance stated above due from the Commonwealth's Bank. The current expenditure for law books is evidenced by the accompanying exhibit, marked H. which we wish taken as a part of this report.

The expenditure of the present year, will be as follows:

The President's salary, in Commonwealth's paper,	\$3,000
Professor of Mathematics, (\$1,000 specie,)	2,000
Professor Roche,	1,200
Principal of the Preparatory Department,	800
Librarian,	300
Clerk,	200
Treasurer,	200
Porter,	150

\$7,850

The resources to meet the expences are as follow:

Say 100 Students at \$60 each,	\$6,000
20 Preparatory Department,	800
Morrison donation,	2,000

\$8,800

Balance in favor of the University, \$950, to meet contingencies, discounts, &c. and it is believed the number of students, as usual, will be greater in December. We refer to President Holley's report, and beg it to be received as part of this report.

E. WARFIELD,
JOHN TILFORD,
CH. HUMPHREYS,
THOMAS BODLEY.

H.

LAW DEPARTMENT WITH THE TREASURY IN ACCOUNT CURRENT, DR.

1824, Jan. 15.—To cash paid Leslie Combs, in part of	
William T. Barry's claim, in specie,	\$229 00
29.—To do. paid do. for do. specie,	\$60 22
Paid advance of two for one on \$36 56,	36 56—96 78
April 7.—To do. paid do. for balance of Wil-	
liam T. Barry's claim, viz. in specie,	16 21
Currency at two for one,	163 70—179 91
To cash paid W. W. Worsley in part of his account, in	
currency,	111 50
July 7.—To cash paid James W. Palmer, (specie,) as	
per voucher No. 30,	109 20
To balance in Specie,	38 45
	<hr/>
	\$765 84
NOTE.—The department is indebted to B. Gratz, Esq.	
in specie, about the sum of	\$61 00
To W. W. Worsley, balance in currency,	41 00
	<hr/>

1824, CREDIT.

Jan. 14.—By cash received from Thomas Anderson for	
tax on sales at Auction, for the quarter ending on the	
31st Dec. 1823, in specie,	\$229 00
29.—By cash received of do. for do. for balance	
of quarter ending 30th Sept. 1823, viz. in spe-	
cie,	23 66
Currency,	73 12—96 78
April 7.—By cash received of do. for do. for quar-	
ter ending 31st March, viz. in specie,	16 21
Currency,	275 20—291 41
July.—By cash from do. for do. for quarter ending 30th	
June, in specie,	142 65
	<hr/>
	\$765 84
	<hr/>
* By balance per contra, in specie,	\$38 45

I.

LEXINGTON, NOVEMBER 11, 1824.

Gentlemen:

In your report of yesterday, we perceive in the stock account this item: "Old debts, (these debts are of little value.) \$9,106." Be pleased to report the true situation of these debts, how they were created, whether they are based on notes or book account, and why they have been lost to the University.

Respectfully,

T. D. CARNEAL, *Ch'm.**To the Committee of Finance, T. U.*

LEXINGTON, NOVEMBER 11, 1824.

Sir:

In answer to your note of this day, relative to the item of \$9,106 of old accounts, the committee state, that a very small proportion of that sum is actually due. The present Treasurer being directed to report the condition of the monied concerns of the University, went over the former Treasurer's and Steward's books, as far back as fifteen or twenty years, and transcribed the balances as they stood, not knowing (what was the fact) that most of them were charges made by the former Treasurers and Stewards, of payments made to persons to whom the University was indebted, and in whose favor the proper credits had not been entered. This fact was not known to the present Treasurer, but was to many members of the board, and appears from the papers and proceedings of the institution; and when the Treasurer's report came before the board, there was an order made, that the Treasurer and Clerk should go over the books and give each account its proper credit. The account rendered was the Treasurer's annual report; it having been made out including the list of old debts, could not conveniently be changed, and was, therefore, laid before your committee in that shape.

There is about \$2,000 of old debts actually due the institution, \$1,000 of which, is a note of Paul Skidmore, deceased, late of Louisville; the rest are old notes and open accounts of several years' standing, but few of which are likely to be collected. Some of those debts have been lost by insolvencies, and some by removals and lapse of time.

The organization of the institution at this time, will, in future, prevent any like occurrence, as there is no credit now given.

E. WARFIELD,	} Committee of Finance.
JOHN TILFORD,	
CH. HUMPHREYS,	
THOMAS BODLEY,	

T. D. Carneal, Esq. Ch'm. &c.

L.

To Thomas D. Carneal, Esq. Chairman of the Committee of the General Assembly, appointed to enquire into the state of Transylvania University.

The board of Trustees of Transylvania University, to whom the communication from the Committee of the General Assembly was made, requesting to know the cause of the "diminution of the number of students in the Law department, since the last annual report," and "what measures are necessary to restore that department to its former respectability and usefulness," report: That the resignation of Professor Barry occasioned much solicitude on the part of the Trustees of Transylvania University, to fill the vacancy, by appointing one of the most distinguished persons of the profession in the state, who would be likely to act. Accordingly, on the 12th day of July last, Judge Boyle was unanimously elected, and the chairman of the board was requested to make that communication to him, which was done; but by a mistake in addressing his letter, the information was not given to Judge Boyle. After waiting a considerable time for his reply, it was not until some time in August, that Mr. Clay, a member of the board of Trustees, reported that he had verbally informed Mr. Boyle of his appointment, who stated to him, that although he had not received any official notice of his appointment, from the chairman, he, Mr. Clay, was requested to inform the board, that he, Mr. Boyle, could not accept the appointment, as he conceived it would interfere with his other official duties. At a meeting of the board of Trustees on the 20th of September, the subject of filling the vacancy in the Law department, was again discussed, without coming to any decision. In this state of anxiety and uncertainty, and without the knowledge or approbation of the board of Trustees, notice was given in the public newspapers by Professor Bledsoe, dated the 20th September, stating, "it was expected, that a regular Professor of *Natural and Civil Law*, would have been procured; but this expectation has not been realized. The undersigned Professor will have, therefore, to perform the entire duties of the department, unless, as he has hopes of doing, he shall be able to procure an assistant, competent to discharge the duties pertaining to those branches." This publication was considered by the Trustees as being premature, if not highly indiscreet, on the part of Professor Bledsoe. It was inserted in two of the papers published in Lexington, and no notice was taken of it; the Trustees still entertaining a hope that a suitable and permanent appointment could be made, before the commencement of the lectures. In this they were disappointed, until a few days before the duties of the Professor were to begin. At the solicitation of Professor Bledsoe, the President of the University consented to render his assistance, by undertaking the department of "*Natural and Civil Law and*

Political Economy." The Trustees, therefore, state, that in their opinion, the "diminution" of the number of students in the Law department, has been occasioned (among others) by the want of a sufficient number of competent Professors in that school, and the frequent changes, by resignation, even in that too small number. The trustees are further of opinion, that if the number of Professors was increased to three or four, and men of correct habits, possessing the requisite attainments and industry, could be induced to accept, who would devote their time to the object of instruction, the Law department would not only be restored "to its former respectability and usefulness," but would increase and become one of the most distinguished schools in the Union. That our state possesses men with the necessary qualifications, in an eminent degree, there can be no doubt; and the Trustees have accordingly determined to organize anew, the Law school, on this principle, at the close of the present course of lectures.

Yours respectfully,

JOHN BRADFORD, Ch'm. T. T. U.

M.

To Thomas D. Carneal, Esq. Chairman of the Committee of the Legislature.

TRANSYLVANIA UNIVERSITY, NOV. 10, 1824.

Sir—I feel gratified that you have invited a communication on the subject of an edifice for the Medical department of Transylvania University. It is a matter of the utmost interest, to all who are concerned with that branch of the institution, as Trustees, Professors, Pupils, and Parents, who have sons to educate for the practice of Medicine and Surgery.

The Medical Faculty consists of six Professors and one Assistant, and there have been provided, for the use of the department, a competent number of books and anatomical preparations. What remains as a *desideratum*, is, a suitable edifice, detached from other buildings, for greater security from fire, and capacious enough to afford lecture rooms for all the professors, and appropriate apartments for the Library, Museum of Anatomical preparations, specimens of diseased parts of the body, specimens of Minerals, specimens of Medicinal Plants and Plants useful in the Arts, specimens of Medicines and the raw materials out of which they are manufactured, Chemical Apparatus, and models of Surgical Instruments and Apparel.

These various articles are scarcely less necessary to the popularity, and perhaps more necessary to the perpetuity of the school, than able Professors. To answer the ends for which they are designed, it is indispensable, however, that they should be collected and systematically arranged in one building; and that this should be the same in which the lectures are delivered. Without this

connexion, they could neither be employed by Professors nor Pupils, in a way to render them of much utility. It is necessary to bring them before the classes, in the respective lecture rooms, which could not be done, unless they were beneath the same roof.

At the present time, one of the Professors meets his class in a house of his own, and the remainder rent a building, which affords them, with the Library and Anatomical and Mineralogical cabinets, very imperfect accommodations, which are peculiarly, and at every instant, liable to destruction by fire. The building being one of a row of old houses, in a populous part of the city, should any one of the range of which it is a member, take fire, the probability is, that all the collections of the department would be consumed, as they occupy the upper chambers. These collections, books and specimens, have cost the state, the town of Lexington, the Trustees of the University and the Faculty, about \$12,000 in specie, and could not be replaced without again raising a similar sum and sending a Professor to Europe, neither of which, in such an event, would perhaps be practicable.

The value of the Medical school of Transylvania to Kentucky, is two-fold. 1st. It places Medical instruction within the reach of a great number of her sons, who are too poor to go abroad, and saves to her all the money which those who might visit distant schools would disburse: 2d. It renders the whole Western country, from the Alleghany mountains to the plains of Missouri, and from the Lakes to the Gulf of Mexico, tributary to her; and indeed, it does not stop here; for between thirty and forty of the students now in attendance on the Medical lectures, are from Virginia, the Carolinas and Georgia, *east* of the mountains. Of our sister states, Tennessee and Ohio furnish the greatest number, amounting, at the present time, to more than sixty. There is, in short, not an inlet, on the entire circumference of the state, through which Medical students do not enter; and the sum of money which they disburse, from their ingress to their egress out of the state, is so great, as in reality to constitute one of the elements of her prosperity.

There is no reason, moreover, why, in a few years, the number of foreign pupils should not be doubled, with a corresponding increase of expenditure among us. To this object, all our desires should be directed, and every means of accomplishing it should be brought into requisition.

Could no other of the western states establish a similar and rival institution, the interests and prospects of this, would less imperiously call for the attention and patronage of the honorable the General Assembly, and the sovereign people of the state at large. This is not the case, however; and Ohio has, already, made the experiment in a city, which is supposed to possess some advantages over Lexington, for such an establishment. The first attempt was abortive; but it is not to be presumed that the people, either

of that city or state, have entirely lost sight of such an important object, and it is not difficult to foresee, that the time is not distant, when it may be revived, with aspects that will attract, and divide with us the patronage of the west. Now, when Kentucky enjoys the whole, is the time to adopt efficient measures for preserving it undivided, and making herself in the western United States, what Pennsylvania has been in the eastern, for nearly half a century.

To expect the Professors to erect an edifice, would be unreasonable; it has never been done any where. The expence would be too great, to be met by a few persons. As soon as it was incurred, it might be necessary for a Professor to resign and emigrate, or he might die, or, holding his place at the will and pleasure of the Trustees, he might be dismissed; in either case, losing the sum he had thus invested. In short, there is not, in principle, any reason why such a public edifice should be erected by the teachers, who, at this particular time, would occupy it during the sessions of the school, more than that the honorable members of the General Assembly and the great officers of state, should rebuild the state-house out of their private purses, instead of the public Treasury.

That the citizens of Lexington should build it, ought not to be expected. It would be paying too much for the benefit of its location among them. Moreover, they have already given to the department, \$11,000 in specie, or about that sum; and it may be safely affirmed, that but for their public spirited efforts, the institution would not now be in existence. In reference to it, the state and the town, are under reciprocal obligations.

From a survey of the whole subject, it appears to me, that the erection of such an edifice, is a legitimate object of Legislative attention; and I therefore beg leave, most respectfully, to recommend it to the honorable the General Assembly, and in the spirit and language of a memorialist, would solicit for it, their consideration. An appropriation, conditioned on the contribution of an additional sum, sufficient for the purpose, by the people of Lexington, and the Professors and Officers of the University, is the most equitable mode which presents itself to me at this moment.

If my zeal and anxieties on the subject, have betrayed me into any expression too strong for the occasion, I hope you will excuse it. The desire to put you in possession of what I wished to say, before you should leave town to-morrow morning, together with the weight of double professional duties in the institution, at the present time, leaves me no opportunity of writing in a premeditated style, or of correcting imperfect sentences.

I have the honor to be, respectfully,

Your friend and ob'dt serv't,

DANIEL DRAKE, M. D.

Professor Mat. Med. T. U.

To the Honorable and Reverend Board of Trustees of Transylvania University.

GENTLEMEN:

In compliance with your request, I have the honor to communicate to you the following report concerning the literary, scientific and moral condition of this establishment.

I. THE NUMBER OF STUDENTS. In consequence of the fact, that the committee of the Legislature have visited us at an earlier period than has been common heretofore, the number of students, which I now return, does not show the full amount of the classes, as they ought to be recorded for the session. Our previous catalogues have been made out in January, and up to that time, additions are continually made. We have good reason to believe, that the aggregate of the present year, though somewhat differently distributed, will be equal to that of past years. There are now in the University, 320 students: 1. Law Class, 18; 2. Medical Class, 134; 3. Academical Classes, 95; 4. Preparatory Department, 23.

The report of the Law Professor (A.) shows, that the Law Class may be estimated at between 20 and 30, for the present session.

The report of Professor Dudley, Dean of the Medical Faculty, (B.) states, that although the number of matriculated students in the Medical Class is now 134, there are already more than 200 in town, attending the lectures, and that the prospect is, of a considerable addition even to that number.

In the Academical Classes, the additions, as we judge from experience, may be estimated at 30, before the usual time of printing the catalogue. For the Preparatory Department, an increase of 10 may be allowed.

Of the 320 students, 155 are from 14 of our sister States, a greater number by 10, than we have ever had before, from abroad. Pennsylvania, 1; New-York, 1; Indiana, 2; Illinois, 2; Missouri, 5; North-Carolina, 6; Georgia, 9; Louisiana, 12; Virginia, 12; Ohio, 14; South-Carolina, 14; Mississippi, 15; Alabama, 22; Tennessee, 40. Of these, 3 are in the Law Class, and 29 in the Academical Classes.

Preparatory Schools have multiplied in Lexington and its vicinity, and have taken many pupils, who would otherwise have come to this department of the institution.

II. THE OFFICERS AND COURSE OF INSTRUCTION.

Rev. Horace Holley, L. L. D. President, and Professor of the Philosophy of Mind.

Hon. Jesse Bledsoe, L. L. D. Professor of Common and Statute Law.
Benjamin Winslow Dudley, M. D. Professor of Anatomy and Surgery, and Dean of the Medical Faculty.

Charles Caldwell, M. D. Professor of the Institutes of Medicine and of Clinical Practice.

Samuel Brown, M. D. Professor of the Theory and Practice of Medicine.

Daniel Drake, M. D. Professor of Materia Medica and Medical Botany.

William Hall Richardson, M. D. Professor of Obstetrics and the Diseases of Women and Children.

Rev. James Blythe, D. D. Professor of Chemistry.

Robert Best, A. M. Lecturer on Pharmacy.

John Roche, A. M. Professor of the Greek and Latin Languages.

Thomas Johnson Matthews, Esq. Morrison Professor of Mathematics and Natural Philosophy.

Constantine Samuel Rafinesque, P. D. Professor of Natural History and Botany, Librarian of the General Library, Keeper of the Cabinet, and Secretary of the Academical Faculty.

John Brown, A. M. Principal of the Preparatory Department.

James Conquest Cross, M. D. Librarian of the Medical Library, and Secretary of the Medical Faculty.

Robert Wickliffe, A. B. Librarian of the Law Library.

John Hite Morton, Esq. Treasurer.

William Macbean, Esq. Clerk of the Board of Trustees.

The professorship of Civil and National Law and of Political Economy, is vacant; but the President discharges the duties of it for the present session. The professorship of History, Geography and Chronology, is also vacant; but Dr. Caldwell daily attends the classes in this department.

The following is the course of studies in the Preparatory School and the Academical classes:

Preparatory Department.—Sallust or Cæsar, Cicero's Select Oration, Ovid's Metamorphoses, Virgil, Greek Testament, Lucian's Dialogues, Dalzel's Collectanea Græca Minora, exercises in writing Latin, Arithmetic, Elements of Ancient and Modern Geography.

Freshmen.—Horace begun, exercises in writing Latin, Dalzel's Collectanea Græca Majora begun, Algebra and Geometry, Review of Ancient and Modern Geography, History begun, Declamation.

Sophomores.—Horace finished, Excerpta Latina begun, exercises in writing Latin continued, Græca Majora continued, Logarithms, Trigonometry, Mensuration of Superficies and Solids, Navigation, Adams' Roman Antiquities, History continued, Themes, Declamation.

Juniors.—Excerpta Latina finished, Juvenal, (Selections,) Livy, (two books,) exercises in writing Latin verse, exercises in writing Greek, Majora finished, Surveying, Lathrop on the Globes, Conics, Chronology, Tytler's Elements of Ancient and Modern History, Natural Philosophy and Astronomy, Chemistry, Themes, Declamation.

Seniors.—Dialing, Spherical Geometry, Trigonometry, Astronomy, Fluxions, Ancient and Modern History, Chemistry, Philosophical Grammar (Murray and Tooke,) Logic (Hedge,) Rhetoric (Blair,) Philosophy of Mind including the elements of Theology, (Brown,) Ethics, (Paley,) Politics and Political Economy, (Paley and Say,) Themes, Forensics, Declamation.

In Mathematics, Day, Hutton, Legendre's Geometry, the Trigonometry of Lacroix with Farrar's Appendix, the Fluxions of Lacroix, and Cavallo's Philosophy, are used.

Henry, Thomson, and Bache, are the works most commonly referred to in Chemistry.

The books of reference in the Law Department, are found in the Professor's report, with the exception of those used by the President, which are, Brown, Cooper's Justinian, Domat, Vattel, and Say.

Where instruction is given by lectures, as in the Medical School, text books, properly so called, are not commonly used, but the most approved authors are pointed out to the student in the course of investigation.

In the Academical Department, *fifteen* recitations are attended daily with the four classes; and *three* courses of lectures, including one on Natural Philosophy with full experiments, are given, during the session. There are *two* courses of Law Lectures, *seven* of Medicine, *one* of Mental Philosophy, besides the recitations in this science, and *one* of Natural History. Recitations are found best for the younger students, and lectures for the older, though they are blended, in a degree, by all the Professors.

The practice of declamation is pursued weekly for the two upper classes. Ten students appear every Saturday before an audience in the chapel, where their pronunciation, tone, action, and whole manner, are subjected to faithful criticism on the spot. The inhabitants customarily attend on these occasions, and render them highly exciting and improving. The members of the two lower classes declaim daily before all the students assembled at morning prayers.

Compositions are written upon themes selected by the students and sanctioned by a Professor, and these, after being read aloud by the writer, before his class, are criticised by an instructor with his pen in his hand, when all faults are marked and corrected. Forensic debate is also cultivated by the seniors, under the direction of the President, who preserves order during the discussion, and decides the questions afterward.

The course in history is far better conducted now, than at any former period in the University. The philosophy of it is presented to the student, and general principles are drawn out for practical utility. In natural philosophy, also, great improvements are made in the mode of instruction, and experiments, which are in-

dispensable, are performed by the Morrison Professor, with great skill and success. Under the combined efforts of this officer and the lecturer on Pharmacy, who is an excellent mechanic, our philosophical apparatus is undergoing a thorough repair, and is assuming an entirely new aspect.

In the Law School, there is a Moot Court, as well as a Legislative Assembly, for the benefit of the class. Practice and facility are thus acquired in professional duty.

Six hours a day are devoted to instruction in the Preparatory Department, and this school is decidedly one of the best in our country.

Religious instruction and worship are secured on the Lord's Day, in the Chapel of the University, by clergymen of the principal denominations of Christians, according to a plan drawn up last year by the President, sanctioned by the Board of Trustees, and herewith submitted, in a printed pamphlet marked C. This has had an obviously good effect, and will doubtless be continued so long as it is found to have a favorable influence on the University. The principles of the measure are entirely catholic, and harmonize with the genius of our free institutions and the character of our people.

III. LIBRARIES, (Report D.) Law, 430 volumes; Medical, 2,500, (B); Academical, 2,400; total, 5,430 volumes. In addition to these, there are about 1,000 volumes in the libraries of two College Societies, and about 6,000 in the Town Library; thus making between 12,000 and 13,000 volumes, to which students in this place can have access, independently of the book-stores and private collections. Of the books belonging to the University, *five-sixths* have been obtained under the present administration of the affairs of the institution, or since the year 1818, when the Legislature took it into their own more immediate protection. Besides donations, which have been numerous, books to the amount of \$14,775, in the currency of the State, have been placed upon our shelves. Nearly every one of our valuable works in science and criticism, is included in this number. The libraries are kept open daily, and fire, tables and stationary, according to the rules marked E. are provided for the accommodation of students. In this way, the books are rendered far more useful than formerly.

IV. APPARATUS. In the care of the Morrison Professor, are the following articles, as will appear from his report, F. An Acromatic Telescope, a Sextant and Quadrant, a Solar Microscope, a Botanical Microscope, a Magic Lantern, a Camera Obscura, an Opera Glass, a Kaleidoscope with a convex lens to present objects from without, an instrument for optical deceptions, a convex Mirror, two glass Prisms, a whirling Table, a case of Mathematical Instruments, an apparatus for demonstrating the Mechanical Powers, an Hydrostatic Balance, an Hydrostatic Bellows, an Hydros-

tatic Paradox, an Air Pump, an Electrical Machine, two Barometers, a pair of large Globes, an Orrery and two Magnets.

Most of this is in a state fit for use, or will be in a few days, as has been already intimated. The sum of \$569 79 in specie, the interest which had arisen on the Morrison Fund before a Professor was appointed, (G.) is now appropriated to purchase additional instruments.

The Anatomical Museum contains about 120 specimens in dry and wet preparations, and in wax models, many of them very valuable, (B.) Among these is a complete human figure from Italy, made with great skill, and susceptible of being taken to pieces, for the purpose of exhibiting the most curious and interesting parts of our interior organization.

A catalogue of the apparatus in the Chemical Room, which is extensive and valuable, I have not yet obtained, but shall request the Clerk of the Board to procure and hand it over to the committee.

The Cabinet, in the care of the Professor of Natural History and Botany, amounts (as in report D.) to 44,000 specimens, including all kinds, plants, shells, insects, fossils, antiquities, and curiosities. A part only of these belong to the University, the majority being deposits by different gentlemen.

V. DISCIPLINE AND MANNERS. Graduates and gentlemen who attend the Law and Medical classes, are presumed to be competent to self-government, and are only so far under the superintendence of the Officers of the University, as to forfeit their standing in the institution, and to have their connexion with it dissolved, if they do not observe common decorum and good morals. The Academical Classes are under a more particular code of laws, containing sufficient provisions for all the purposes of collegial government. (See the pamphlet and sheet marked H. and I.) These laws are substantially enforced, while the government is mainly moral and parental. A course of lectures on manners and morals, which the President is in the habit of giving every Saturday, to the students in the chapel, and in which he is as minute and affectionate as his parental solicitude inspires, is found greatly to aid the influence of the laws, and almost to supersede the use of direct authority. The members of the Academical Faculty meet every Monday, at the President's room, to make reports of the condition of their departments, and to hear and decide such cases of discipline as may arise. At these meetings, the state of the University is considered, the rank of the students ascertained, improvements suggested, complaints at home or abroad discussed, and all the interests of the institution made the subjects of attention.

The conduct of the pupils is in general excellent, and fewer punishments are required in this University, than in any of the

several eastern institutions, with which the writer of this report is acquainted. A thorough experiment is now going on with us, to ascertain how far a parental and moral influence, perseveringly exerted in private advice and admonition, with a direct appeal to the interests and generous affections of young men, may supersede the necessity of an academical penal code. Our authority, however, is always kept in reserve for such as will not be governed by better motives. We are happy to find our efforts thus far remarkably successful. The effect of having our young men in the good families of the place, under the immediate and chastening operation of domestic affections and arrangements, and of virtuous female society, instead of being assembled at a common table in a Refectory, with the feelings and coarse associations of barracks, is decidedly most salutary and important. It is fully believed, and respectfully, as well as firmly asserted, that the moral and religious feelings of no portion of the youth of our community, are more just or elevated, or better adapted to make useful and effective men, than those of the young gentlemen of Transylvania University. They not only have the opportunity to hear, in the Chapel, the Preachers of all religious denominations in the town, and in the Churches too, and thus to acquire liberal and well balanced opinions, together with kind impressions toward the different classes of Christians; but are also continually engaged in the investigation and illustration of the most important and purifying truths, that literature, science, and the daily interests of man, can present to the human attention.

Such is the general condition of Transylvania University, a condition which justifies the congratulations of its friends, both in the Church and in the State, both in public and in private life. Notwithstanding the advantages, however, which it possesses, there are some wants, to which we would point the eyes of its patrons. We greatly need a fund for the support of a Professor of History, Geography and Chronology, and of a Professor of one of the ancient languages, to aid the present Teacher in that department. We also want a fund to procure many valuable books and instruments, the advantages of which we are now obliged to forego.

Respectfully yours,

HORACE HOLLEY.

Nov. 10th, 1824.

Since the above was written, the Law Class amounts to 20, and several new students have come in from other States; so that we have now 20 from Ohio, instead of 14, and 3 from Pennsylvania, instead of 1.

I also send a catalogue of Graduates of the University since its foundation, by which it will be seen that only 22 degrees were conferred for 33 years before 1818, and that 315 have been conferred in the 6 years since.

H. HOLLEY.

A.

Professor Bledsoe's Report, concerning the state of the Law Department, November 9th, 1824.

The Professor of Common and Statute Law, in the Law department of Transylvania University, submits the following report to the President of the institution, for the information of the Trustees and the Committee of the Legislature.

The number of members in this department, is not so large as that of last year; but it is still confidently believed, that it will receive an accession of from six to eight more members, making an aggregate of from twenty to thirty. This department having been heretofore managed by the aid of the President, in filling the Professorship of Civil and National Law, appears, so far as is known, to have been satisfactorily superintended. After the appointment of Judge Boyle as a colleague in this department, the uncertainty whether he would accept, delayed the usual advertisement concerning the class, until a period much later than usual, or indeed convenient, to produce any considerable effect. The uncertainty in the organization of the respective Professorships, produced hesitancy in, or has prevented the attendance of some, who would otherwise have joined the class.

The text books used by the Professor of Common and Statute Law, are, Blackstone's Commentaries, Reeve's Domestic Relations, Powell on Contracts, Newland and Comyn on do. Peake's American Edition of Evidence, Philips on same, Jones on Bailment, Cruise on Real Estates. The Lectures are written, and the references numerous.

A proposition was for some time depending, to add an additional Common Law Professor. The experiment would, it is conceived, be hazardous, inasmuch as it is extremely problematical whether the average aggregate of members of this class, would afford a suitable prospect of advantage to two Professors who are capable; for the expence must either be increased to the student with a prospect of diminution of number in proportion, or the fee or price of the tickets of admission reduced, thus operating directly upon the profits of the Professor, already sufficiently low. The price of both tickets is now sixty dollars in currency, and five dollars in the same for matriculation, to cover contingencies for use of books, fuel, &c.; and of this sum, by arrangement of last year as well as this, forty dollars in currency is paid to the undersigned. Less than this sum, he does not conceive, will furnish him with an object worth his labors in the University, or be a just compensation for them. The numbers in the department must fluctuate until it shall become fashionable or necessary to procure a diploma in law, as well as in medicine, which is not likely to be soon the case. All which is submitted respectfully.

J. BLEDSOE.

President Holley.

B.

Professor Dudley's report of the Medical Department, as Dean of the Faculty, November 10th, 1824.

SIR—In obedience to your note of yesterday, I proceed to lay before you, answers to the several questions regarding the Medical department of Transylvania University.

The number of matriculated pupils in this department, amounts to one hundred and eighty-four. It is thought there are more than two hundred Medical students in town, and that the class will have an addition of from thirty to forty to its present number. Fourteen different states, have contributed in making up the present number of pupils.

The Medical Library contains five and twenty hundred volumes, besides a large number of pamphlets.

The Museum is made up of forty-four dry and nineteen wet specimens, together with about fifty preparations in wax. The dry specimens, are, principally, different views of the blood vessels, while the wet are composed of morbid preparations of different portions of the body; those in wax are striking, and many of them very valuable. The entire female figure, the different views of the brain, with those of the absorbents, are the most interesting.

The modern and most universally approved authors, constitute the books of reference in the different departments allotted to each Professor.

There are two Medical Societies attached to the institution.

With great regard, your ob'dt. serv't,

B. W. DUDLEY, *Dean.*

President Holley.

C.

Religious Instruction and Worship in Transylvania University.

On Monday last, the following plan of religious instruction and worship in the University, was, by an *unanimous* vote of the Academical Faculty, laid before the Board of Trustees, and was by them *unanimously* adopted, *thirteen* of the *seventeen* members being present. By a resolution, in which all concurred, their names are subscribed to the measure. It was also resolved, that the editors of newspapers in the town be requested to insert in their columns, a copy of this result of the FACULTY and the BOARD. It is believed, that this is a measure eminently calculated to unite public sentiment, to secure general confidence, to advance the interests of truth, to extend catholicism, and to excite a spirit of emulation in the cause of religious liberality. It would have been gratifying to every patriot and philanthropist, to witness the unanimity and excellent tone of feeling, with which a measure, having so many relations to personal and sectarian partialities and antipathies, was received and adopted by an unusually full meeting of our large Board of Trustees, embracing a representation of

the Ancient Church of God under the OLD COVENANT, and of the most respectable and popular denominations under the NEW. The truly religious and liberal, will rejoice to find, that an experiment is now to be made in earnest, and under circumstances which warrant no small degree of confidence in its success, to ascertain how far the professed believers of the Bible and worshippers of God, though they are known by different names and associations, can harmonize in the management of the great interests of education, as connected with the most important and practical truths and duties of religion. Our situation is as novel as it is interesting, and is well fitted to attract the attention and enlist the hopes of all the friends of human improvement and happiness. The candid and reflecting will see in this measure the reality of a religious influence in its prompt and cordial adoption for the most valuable ends. In the list of names here presented to the public, may be found the representatives of SEVEN religious denominations, namely, the Ancient people of God, the Roman Catholics, the Episcopalians, the Presbyterians, the Congregationalists, the Baptists and the Methodists, and among these, several clergymen, who, though sincerely devoted to the principles of their respective communions, are heartily engaged in this auspicious enterprise, in favour of our common religion. A strong persuasion is cherished, and an earnest prayer is offered, that our UNIVERSAL FATHER AND FRIEND will, in his gracious Providence, bless and prosper this united effort to do more than ordinary good in removing prejudice, in allaying jealousy, in awakening confidence, in reviving charity, in enlivening hope, and in extending the benevolent dominion of religion and virtue.

HORACE HOLLEY.

*Transylvania University, }
April 9th, 1824. }*

At a meeting of the Academical Faculty of Transylvania University, April 5th, 1824, the PRESIDENT submitted for consideration, the following PREAMBLE and RESOLUTIONS, which in substance he had twice brought before the Faculty several months since, but had consented to the postponement of a final determination upon them, in consequence of the doubts of their utility, which were expressed by the Reverend Professor of Natural Philosophy and History. It being understood that these doubts were removed, and that there was a prospect of an unanimous adoption of the measure, the PRESIDENT again called the attention of the Faculty to this interesting and important subject.

The By-Laws of the University, (p. 8,) contain an article in regard to the religious instruction and worship of the institution in these words: "It shall be the duty of the President, or in his absence, of one of the professors, to perform divine service on every

sabbath, at least once, in the Chapel of the University, to such officers and students as may choose to attend. *And it is particularly enjoined upon the students to attend public worship somewhere on the sabbath.*" This duty was discharged for a considerable time by the President, when, at his own request, he was permitted, in consequence of his numerous duties in the superintendence of the establishment, and in its general improvement, as well as in various departments of instruction, to omit this public weekly labor. The principal religious sects having churches in the town, the students had an opportunity to attend such as they or their parents preferred. It is believed, that in this way they have generally received religious instruction, and participated in public worship, during the whole of the present administration of the affairs of the University. The Faculty however, knowing it to be the earnest desire of the trustees, as well as their own, to have, as far as possible, the best advantages of religious instruction, and worship, secured to the youth of the institution, and finding from experience, that an improvement can be made in the existing regulation upon the subject, recommend to the trustees the adoption of a measure, which provides, as it is believed, in a safe and effectual manner, for the accomplishment of the several purposes involved in this object of general solicitude, while it guards against dangers and abuses.

The members of the Faculty are aware, that sectarian peculiarities ought not to be introduced into a STATE UNIVERSITY, where there is no established church with legal privileges, and where young men are collected within its walls, from families of all religious denominations, to receive instruction in literature and science. At the same time, it appears to be the general desire and expectation, in accordance with some of the best and strongest principles of our nature, that the great doctrines of our COMMON RELIGION, those in which the good and pious of all denominations agree, should be taught with the other branches of education, if a mode of doing this can be adopted, without opening the door for polemical and sectarian divinity to enter, and disturb and pervert the minds of the students, and thus give just occasion for offence to the parents and friends. The principles of religion, in which the enlightened and benevolent of all denominations harmonize, *are happily the most important*, and are such as all patriots and devout men would wish to see inculcated in a State University, leaving the particular tenets of different sects to be taught in families, parishes and theological schools. The plan now offered, embraces as many points as the nature of the case appears to admit with propriety, and provides the same kind and degree of safety for the University in this respect, which are provided for the community at large, under our free government, namely, *the equal distribution of the proper means and opportunities among the min-*

asters of the various religious denominations. All the sects are included in this catholic measure. None have a right to complain, while all have the privilege of appearing before the youth of the University, to recommend and enforce their common religion. The exclusion of any, would be a departure from the principles which have governed, and still govern the Instructors and the Board of Trustees. Although respectable clergymen from all religious denominations are thus allowed to contribute their aid to the interests of the University, in promoting the great doctrines of our holy religion, and in illustrating and enforcing the pure morals, which it requires, yet, from the actual circumstances of the town and its immediate vicinity, there are four or five denominations, whose ministers will have the opportunity to officiate chiefly in the regular course. These are the Roman Catholics, the Episcopalians, the Presbyterians, the Baptists and the Methodists. Provision is made to give to others a suitable opportunity to be heard.

With these views, the Faculty respectfully offer the following RESOLUTIONS to the consideration of the Trustees, as the result of their deliberations.

Resolved by the Trustees of Transylvania University, That as they have heretofore considered it their duty, and have made provision in their laws to discharge it, though the execution of this design, in the manner prescribed, has been interrupted by the force of circumstances, so they still consider it their duty to cause the great doctrines and virtues of our common religion, as they are gathered from the Word of God in the Old and New Testaments, to be taught in this institution, so far as it is practicable, free from all sectarian peculiarities, and from all the bitterness of religious controversy.

Resolved, That the IMPERATIVE form of the existing article in our By-Laws upon this subject, since the president has been allowed at his own request, to omit the performance of the labor assigned him, and which was virtually modified at the time of granting this indulgence, be now, and it hereby is, exchanged for the PERMISSIVE.

Resolved, That in order to carry into effect for the future, what has always been the desire of this Board, as well as of the President and Professors, and what is believed to be accordant with the wishes of the Legislature and of the People, and to secure the impartial instruction of the students, in the most useful and important principles of our belief, the ministers of the religious denominations in Lexington, be invited to preach in turn, during the academical session, in the Chapel of the University, at nine o'clock in the morning of each sabbath; and that the students, who live in town, be required to attend, unless excused by the Faculty up-

on satisfactory evidence of conscientious objections on their own part, or on that of their parents or guardians.

Resolved, That each clergyman have the liberty to invite, with the consent of the Chairman or President, any minister, in good standing, of his own or of any other denomination, to officiate in his turn; and in order to enjoy the benefit of the talents, learning and piety of distinguished or useful preachers, in good standing from abroad, when they may be travelling through our part of the country, it is resolved that the Chairman of the Board, or the President of the University, be authorised to invite such persons to officiate in the Chapel, either at nine o'clock in the morning, or at a suitable time in the day or the evening. Should the hour of nine in the morning be selected in this case, notice must be given on the preceding day, to the gentleman whose turn it may be to preach at that time, and his consent must be obtained.

Resolved, That for the present, the ministers of the following churches in Lexington, the Roman, the Episcopalian, the Presbyterian, the Baptist and the Methodist-Episcopal, be requested by the Chairman to preach in turn, in the Chapel, according to the foregoing arrangement, and that the THIRD SUNDAY of the present month be the period to begin this duty, it being understood that where there are ministers of the same denomination, they be requested to take the turn alternately. Should any of the ministers decline to preach under this arrangement, the others are to be requested to take the turn in their order.

Resolved, That as the community may desire to know what is the character of every kind of instruction given in the University, and as it is in all respects useful to gratify this desire, it is proper to announce in this connexion, what has been heretofore known as the practice of the institution, that the examinations are, as they always have been public; and that decorous and reasonable questions may be put to the students under examination, by any respectable person present, not only as it regards literature and science in general, but also the principles which are taught in moral philosophy and religion, so far as the latter is included in the course, principles which it is the avowed purpose of the Instructor in this department, as well as his duty and his inclination, to illustrate and enforce, agreeably to the known wishes of the Trustees and the public, in perfect conformity to the word and will of God, as expressed in the Sacred Scriptures; it being understood as the simple object of this annunciation, that nothing be taught in opposition to the divine revelation of truth contained in the Old and New Testaments, the oracles of the religion of the country. The Trustees, as well as the several Faculties, have always been desirous, and still are, of rendering the examinations as exten-

sively useful as possible, and of making them a satisfactory test of the real character of the education given in the University.

PASSED UNANIMOUSLY BY

HORACE HOLLEY, L. L. D. *President.*
 ROBERT HAMILTON BISHOP, A. M.
Professor of Natural Phil. and History.
 JOHN ROCHE, A. M. *Professor of the*
Greek and Latin Languages.
 MANN BUTLER, A. M. *Professor of*
Mathematics.

ADOPTED UNANIMOUSLY BY

JOHN BRADFORD, ESQ. *Chairman.*
 THOMAS BODLEY, ESQ.
 CHARLES HUMPHREYS, ESQ.
 JOHN WESTLEY HUNT, ESQ.
 ELISHA WARFIELD, ESQ.
 REV. JAMES FISHBACK, D. D.
 ELISHA I. WINTER, ESQ.
 REV. GEO. THOS. CHAPMAN, A. M.
 JAMES TROTTER, ESQ.
 WILLIAM LEAVY, ESQ.
 CHARLES WILKINS, ESQ.
 BENJAMIN GRATZ, A. M.
 REV. GEO. CHRISTOPHER LIGHT.

D.

Report of the state of the Library and Museum of Transylvania University, in November 1824, exclusive of the Medical Library.

ACADEMICAL LIBRARY.

Folio and quarto volumes,	330
Octavos, duodecimos and pamphlets, about	2,070
	<hr/> 2,400

LAW LIBRARY.

Folios and quartos,	102
Octavos and duodecimos,	328
	<hr/> 430

MUSEUM.

Specimens of Minerals, Shells, Animals, Indian remains, and other productions presented to the University, or donations, in number about	1,200
Specimens of ditto, deposited by Dr. Caldwell, from the former (Clifford's) Museum, about	3,000
Specimens of ditto, but principally Insects, deposited by Dr. Crockett, about	1,000

Specimens of Minerals, deposited by Professor Rafinesque, about	500
Specimens of Animals, deposited by ditto,	1,500
Specimens of Plants, or Herbarium: of American and foreign Plants, deposited by said Professor Rafinesque,	38,000
Deposites, about	44,000
C. S. RAFINESQUE, <i>Librarian,</i> <i>and Keeper of the Museum.</i>	

President Holley.

E.

Rules of the Library, adopted on the 1st of December, 1823.

1. It shall be opened from 9 until 1 and from 3 to 5, in winter; from 3 to 1 and 3 to 6, in summer.

2. The Librarian or Sub-Librarian, shall be in it at these hours, and the Librarian is held personally responsible, under a penalty of from \$1 to 100, at the discretion of the Academical Faculty, for the enforcement of the rules to the letter and spirit.

3. Tables, stationary and fire, when necessary, shall be provided, that the room may be a convenient place for consulting books and taking notes. No student, however, shall come to the Library for the purpose of studying his lesson.

4. The books reserved in the catalogue made out by the Academical Faculty, are not to be taken from the room; but may be freely consulted in it.

5. Two books only, are to be drawn by an individual at one time, and are to be returned on the first Saturday of every month.

6. Every person drawing a book, must have it recorded by the Librarian or his substitute.

7. When one has ceased to use a book, he shall return it to the shelf from which he took it.

8. No leaf shall be turned down in a book, nor blotted, nor soiled, nor laid open with the leaves downwards, nor otherwise injured.

9. Such as are entitled to use the Academical Library, may consult the books of the Law Library, when the law students are not using them.

10. No conversation nor any disturbance, is permitted in the Library; nor is any one to smoke in it, nor to spit upon the floor.

11. No one is permitted to make a passage of it, nor to interrupt in any way, the studies of those that are in it.

The penalties annexed to the violation of these Rules.

Rule 3. From fifty cents to one dollar.

4 & 6. Twenty-five cents, and the immediate return of the book, under a penalty of from one dollar to double the price of the work, at the discretion of the Faculty.

5. Six and a fourth cents each day, for not returning a book, and for a delay of one month, after notice, the price or double the price of the work, at the discretion of the Faculty.

7. Twelve and a half cents for each violation.

8. Twelve and a half cents to double the price of the work, according to the value of the work and the injury done, both of which are to be estimated by the Librarian; an appeal to the Faculty being allowed.

10. From twelve and a half cents to one dollar, according to the degree of aggravation, and expulsion from the Library in a case of obstinate repetition.

11. From twenty-five cents to one dollar.

All fines to go to the benefit of the Library.

F.

Professor Matthews' report of the Mathematical Department and that of Natural Philosophy, November 10th, 1824.

SIR—Pursuant to your request, I transmit a list of the Philosophical Apparatus belonging to the Transylvania University, together with an account of what may be required to render it complete, as also a list of the text books in the Philosophical and Mathematical departments.

Respectfully,

THO. J. MATTHEWS, *Mor. Pro.*

of Mathematics & Natural Philosophy.

President Holley.

LIST OF APPARATUS.

Acromatic Telescope, in good order; Sextant, out of order, but easily repaired; Quadrant, in good order; Circumferentor, out of order, but easily repaired; Solar Microscope; compound Microscope, out of order and incomplete, but easily repaired; common Botanical Microscope; Magic Lantern; small Camera Obscura; Opera Glass; Kaleidoscope; Optical Illusion; Convex Mirror; two Glass Prisms, one of them broken; Whirling Table, hardly repairable; case of Mathematical Instruments; Apparatus for demonstrating the principles of the Pulley; ditto. for demonstrating those of the Lever; inclined Plane; Hydrostatic Balance, deficient; Hydrostatic Bellows, defective; Hydrostatic Paradox, defective; Air Pump and some Apparatus, much out of order; Electrical Machine, with some Apparatus; two Barometers, one broken; pair of Globes, one of them out of order; Manual Orrery, out of order, but repairable; two Magnets.

LIST OF REQUISITE ADDITIONS.

A complete Hydrostatic and Hydraulic Apparatus; Compound Engine, explaining the mechanical powers; a Magnetical Apparatus; Atwood's Apparatus for exemplifying the principles of accelerated and retarded motion; complete Whirling Table; Ivory

Balls, explaining the principles of collision; various additions to the Electrical and Pneumatic Apparatus; reflecting Telescope, with Micrometer; Equatorial Instrument; Astronomical Quadrant; Repeating Circle; Transit Instrument; Chronometer; Lucernal Microscope; artificial Eye; Large Camera Obscura; Concave and Convex Mirrors and Lenses; Magazine of Drawing Instruments, circular Protractor; proportional, elliptic, triangular and pair Compasses; Universal Dial; Optical Models; Burning Mirrors; Armillary Sphere; complete Air Pump, with Apparatus; Models explaining Centre of Gravity; sundry particulars not recollected.

List of Text Books in the Philosophical and Mathematical Departments.

Day's Mathematics, Hutton's Mathematics, Legendre's Geometry, Lacroix's Trigonometry, Farrar's Appendix to do. Lacroix's Fluxions, Cavallo's Philosophy.

G.

E. I. Winter's report to E. Warfield of \$569 78, in specie, of the Morrison Fund, to be applied to the purchase of Apparatus, Nov. 8, 1824.

SIR.—The committee to whom was assigned, the duty of appropriating the interest due on the Morrison legacy, which accrued prior to the appointment of the Morrison Professor, have in their hands, \$569 79, say five hundred and sixty-nine dollars, seventy-nine cents, specie, which will be applied to the purchase of Philosophical Apparatus for the use of the University, as directed by the board, without unnecessary delay.

Yours,

E. I. WINTER, Ch'm.

Report of Professor Roche in the Department of Languages, November 9th, 1824.

SIR.—As you have requested a report of my department, I think it not unnecessary to mention first, the books required for entrance into College. The following are the terms of admission into the Freshman Class: The candidate must be acquainted with Greek and Latin Grammar: He must be able to translate into English correctly, Virgil, Sallust or Cæsar, the Select Orations of Cicero, the Greek Testament, and Dalzel's *Collectanea Græca Minora*: He must pass an examination in Clarke's or Mair's Introduction to the making of Latin. In addition to these, the Faculty have required Lucian's Dialogues for entrance, convinced that the more that is required, without requiring so much as would defeat the intent of the requisition, the better would the students be prepared, and that unless they are well prepared, they must drag uncomfortably along through College, and not receive that benefit, which a more complete preparation would enable them to obtain. The *Freshman Class*, therefore, begins with Dalzel's *Græca Majo*

ra, of which as much is read as the time will permit; in Latin, as much of Horace is read, as the time will allow; and exercises are given in Latin and English Composition.

The *Sophomore* Class continues the *Majora*, finishes Horace, and commences *Excerpta Latina*, of which they study as much as they can, until the close of the session; they also write Latin and English Compositions. In addition to these, Adams' Roman Antiquities are studied.

The *Junior* Class finishes the *Majora*, gets through the *Excerpta Latina*, reads the Select Satires of Juvenal, and finishes the session with a portion of Livy or Cicero de Oratore. During this year, also, Compositions in Greek, Latin and English, are closely attended to, and Greek and Roman Antiquities are reviewed.

Although our Classical course is now equal to any, and more extensive than most of the courses in the institutions of our country, you perceive that requiring Lucian for entrance, will leave some time for studying Homer, the great father of poetry. We have a copious extract from this poet, in the second volume of *Majora*, in which he holds up to the imitation of posterity, Ulysses, one of the finest models of genius, wisdom, temperance, and all the first and best principles that adorn human nature. Yet I would wish to see the writings of this great man not studied by scraps, but committed to memory by every American youth, assured that he who did so and lived agreeably to the maxims and examples contained in them, must necessarily merit the encomium which the King of Epirus passed on the Roman commander. If time and opportunity permitted, I might easily show, that this panegyric on the wandering bard, is not extravagant. If, then, his writings inculcate such principles, and if a republic is to be mainly supported by virtue, how important is a high and upright education to our country!

The *Græca Majora*, is an extensive and judicious compilation of extracts from the first Historians, Orators, Philosophers, Critics and Poets of Greece—all full, rich and beautiful, the most perfect models on which to form the taste of youth, expand their faculties, direct their judgment, and elevate and ennoble their characters. Mr. Dalzel has added notes to this work, which, for their purity and ability, would do honor to the highest period of Roman criticism.

The *Excerpta Latina*, contains extracts from the Roman Historians, Critics and Philosophers, which, together with Roman Antiquities, show by what institutions, laws, manners and customs, that proud people rose, extended their dominion over the then civilized world, and by what causes they at last fell. Every one must at once see, what advantage is derived in a country like ours from such works.

Nor need I dilate on the benefits resulting from the practice of composing. In such a government as this, all must immediately perceive the utility of exercising the minds of those who are destined to control its affairs, in thinking for themselves, and writing on subjects, in the examination of which, the mind is necessarily and constantly carried back to first principles. To yourself, sir, and to the gentlemen for whose inspection you require this statement, I am aware that it is unnecessary to enlarge on the benefits of a classical education; to mention how it affords the best exercise for the faculties of youth, imprints upon their unstained minds the loftiest and purest principles, and qualifies them to discharge with honor, the most sacred duties which their country entrusts to their care.

I am, sir, your humble serv't,

JOHN ROCHE.

President Holley.

N. B. The short notice given, must be my apology for the shortness of my report.

Professor Drake's report of his Text Books, November 10th, 1824.

DEAR SIR.—I have not, *technically* speaking, any *text* book for my course, as *Materia Medica* is not, like *Geometry* and *mental Philosophy*, in any state of perfection. The method which I follow, is in some degree, one prepared for the occasion.

The books, however, which I advise the class to read, as accompaniments of the lectures, are, Murray's *Materia Medica*, Chapman's *Elements of Therapeuticks* and *Materia Medica*, Eberle's *Treatise on the same subjects*, and *Paris' Pharmacologia*.

I have the honor to be, respectfully, yours,

DANIEL DRAKE.

President Holley.

H.

BY LAWS OF THE TRANSYLVANIA UNIVERSITY.

Rules and regulations for the government of the Board of Trustees and their Officers.

CHAPTER I.

1. There shall be one annual stated meeting of the Board, on the Monday preceding commencement, at which all elections of Professors and Instructors shall take place; and two other meetings annually, one on the first Monday in April, and the other on the first Monday in October. The Board shall likewise be convened whenever the Chairman or any three members of it shall direct in writing. When such extraordinary meeting is ordered, due notice thereof shall be given in one of the gazettes published

in Lexington, and by the Clerk personally to such members as may be convenient.

2. A Chairman of the Board shall be from time to time appointed.

3. The rules and regulations of the House of Representatives of Kentucky, so far as the same are applicable, shall govern the Board in its deliberative proceedings.

4. The Trustees are to attend at commencement, and if practicable, on days of public examination and exhibition.

CHAP. II.

At each April meeting of the board, the following committees shall be appointed: A committee of three, to inspect the buildings and other property of the University, and to cause all necessary repairs to be made; a committee of three, to superintend the collection of debts, to arrange and adjust the expences of the Refectory, and to examine the accounts of the Treasurer, and to report at each stated meeting of the board; and a committee of three, to inspect the library and philosophical apparatus, and to examine the accounts of the Librarian, and to report at each stated meeting of the board.

CHAP. III.

A Clerk shall be appointed during the pleasure of the board. He shall keep a record of the proceedings of the board, and for this purpose shall give his attendance. He shall also record all the contracts, leases and deeds which have been made and not already recorded, or which shall be made in future. He shall carefully preserve the books and papers of the board. He shall also keep an account of all receipts and disbursements, and quarterly compare it with the accounts of the Treasurer. He is to receive such compensation as the board may fix.

CHAP. IV.

1. A Treasurer shall be annually appointed at the April meeting of the board.

2. An account shall be raised by the Treasurer, of each species of fund and expenditure; and also, a general account of receipts and expenditures, which he shall compare quarterly with the account of the Clerk, and report to the committee of accounts.

3. The Treasurer shall pay no moneys unless authorised by a warrant drawn by the chairman of the board and attested by the clerk.

4. The Treasurer shall deposite in one of the banks in Lexington, all the moneys which he shall from time to time receive. And the chairman of the board shall be authorised to draw, in favor of the treasurer, from time to time, for all dividends arising upon stock belonging to the University, his order being attested by the clerk.

CHAP. V.

1. All moneys arising from the sales of land, shall be vested in such monied stock of the United States, or banking institutions, as the board of trustees may order, seven trustees concurring therein. The principal stock belonging to the University shall not be disposed of without the concurrence of a like number of the trustees, the dividends arising therefrom and the interest upon debts due for the sale of lands, being alone applicable to current expences.

2. The present seal of the University shall continue to be used until changed by order of the board.

3. Each member not attending, without reasonable excuse, at a stated or at an extraordinary meeting, of which he shall have notice, shall pay a fine of two dollars to the clerk. The disposition of the fines shall be annually determined by the board, at the meeting next preceding commencement.

Rules and regulations relating to the University.

CHAPTER I.—*Period of Study—Classes—Admission.*

1. Four years are required for the regular course of study in the Transylvania University, for the under-graduates, who are divided into four classes, the Freshmen, Sophomores, Junior Sophisters, and Senior Sophisters; a year being allotted to each of the classes.

2. To obtain admission in the Freshmen class, the applicant being examined by the Faculty, must be found to have a good knowledge of Latin and Greek grammar, Virgil, the select orations of Cicero, Sallust, Greek Testament, Collectanea Græca Minora, Clark's or Marr's Introduction to the making of Latin, translate English into Latin, understand common arithmetic, and have studied ancient and modern geography. He must also possess a good moral character, and have obtained the treasurer's certificate of his having paid the dues to the University, required in advance, or given bond according to the by-laws.

3. A student desirous of being admitted into a class in advance of the Freshmen class, may be admitted accordingly, if he shall have obtained a knowledge of all the studies required of the class or classes which he wishes to pass over, or their equivalent, to be determined by the Faculty; and provided that he pays all the fees of tuition which would have been payable if he had entered the Freshmen class, unless he comes from another College, when no such fees shall be charged.

4. As there may be persons, not acquainted with the Greek and Latin languages, who may be desirous of attending the lectures and recitations, the Faculty may, by a vote, admit such irregular students, who are however not entitled to a diploma. They are to pay the same college charges as the class to which they may be attached.

CHAP. II. *Of the Faculty, the President and other Professors.*

1. The Faculty consists of the President, Professors and other Instructors of the University, for the time being. The Faculty is charged with the immediate government and direction of the University. It is to attend to the enforcement of the laws and regulations which shall be prescribed, from time to time, by the trustees. The President is to preside at meetings of the Faculty, which is to decide by the greater number of votes, that of the President always being one to give validity to the decision of the majority.

2. The Faculty is to designate the books to be read, and the course of study to be pursued by the classes, during the period of their study.

3. It shall be the duty of the President to take charge of the University generally; to superintend the buildings, grounds, and moveable property belonging to it; to report to the committee of repairs, such damages as may need repair; and to report to the trustees, as occasion shall require, concerning the state of the University, and concerning such measures as may conduce to its future prosperity.

4. He shall have power to visit the classes and any of the departments of the University. He shall also have power to give such directions, and perform such acts generally, not inconsistent with the laws of the University, nor the ordinances of the trustees, nor the regulations of the faculty, as shall in his judgment promote the interest of the institution.

5. He shall preside at commencement, and on occasions of exhibitions and examinations. He is charged with instruction in logic, rhetoric and moral philosophy.

6. It shall be the duty of the President, or in his absence, one of the Professors, to perform divine service on every Sabbath, at least once, in the chapel of the University, to such officers and students as may choose to attend. And it is particularly enjoined upon the students to attend public worship somewhere on the Sabbath.

7. The President shall furnish to the clerk of the board, two months previous to each annual commencement, a report of the names of the students who have attended the University during the session, and the length of time of their continuance.

8. The Professor of mathematics and natural philosophy is charged with instruction in those branches, and with the care of such of the philosophical apparatus as shall be assigned to his department by the President.

9. The Professor of languages is charged with instruction in the Greek and Latin languages, and with Grecian and Roman antiquities. He is, under the direction of the President, also charged with the grammar school, and is to be assisted with such tutors as the trustees may for this purpose appoint.

CHAP. III.—*Deportment.*

1. Every student shall address and conduct himself towards the President, Professors and Instructors, and each of them, with all possible respect. He shall observe the strictest decorum while in the class, neither doing nor countenancing any thing which may tend to incommode his instructor, or divert the attention of his fellow students.

2. The exercises shall commence in the morning with prayers, to which all the students shall attend with decency and reverence.

3. No student shall possess or exhibit any indecent picture, nor purchase nor read in the University any lascivious or immoral books; and if any student shall be convicted thereof, or of lying, profaneness, playing at unlawful games, or other gross immoralities, he shall be punished according to the nature of the offence.

4. No student shall quarrel with, insult or abuse a fellow student, nor any other person whatever. No student shall go to a tavern nor any other public house, for the purpose of entertainment or amusement, without permission from an Instructor; nor shall he associate nor keep company with persons of bad character.

5. No hallooing, loud talking, whistling or jumping, or other disturbing noise or act, shall be permitted in the buildings of the University, nor disorderly conduct in the town, by a student; nor shall any student disturb or attempt any imposition on his fellow student, in any manner whatever.

6. If any student offending against the laws, should presume to leave the University without a certificate from the Faculty, of his conduct and standing whilst there, it shall be at the discretion of the Faculty, to make the name of such offender public, with the nature and degree of the offence.

7. No student shall engage or assist in any theatrical performance, unless permitted by the Faculty.

8. The students shall treat all persons with whom they have intercourse, with decency and respect, and shall on all occasions observe the commands of the officers.

CHAP. IV.—*Punishments.*

The punishments of the University are as follows: Private admonition or reprehension; admonition before the Professors and Instructors; admonition before the class of the offender, or in the presence of a select number of persons; public admonition and reprehension in the presence of all the students; degradation in the class, or to a lower class; suspension from the privileges of the institution; dismissal from the University without expulsion; and lastly, public expulsion. Except the first and the third, which may be applied by any Instructor, the application of the other punishments, according to the degree of the offence, shall be made by the Faculty. The punishments denounced, as well as the

conduct prescribed for the students, are applicable to the grammar school; the students in that school are also liable to the use of the rod, when indispensable in the judgment of the Professor of languages.

CHAP. V.—*Mode of Punishment.*

1. Complaint of misdemeanor in a student must be made, in the first instance, to the President or one of the Professors, who, unless the offence be so flagrant as in his judgment to require the interference of the Faculty, shall privately admonish the offender; and upon failure of success, may, at his discretion, bring the subject before the Faculty.

2. The punishment of public admonition, degradation, suspension, dismissal and expulsion, shall be inflicted only in virtue of an act of the Faculty.

3. A student whom it may be necessary to bring before the Faculty, shall have due notice of the time and place of its meeting, and shall be allowed to defend himself.

4. When a charge of misconduct shall be preferred against a student, the Faculty shall have power to require the attendance of any other student, to testify against the delinquent; and it shall be the duty of such witness to disclose his knowledge of facts touching said charge, on pain of being guilty of contumacy, in case of his refusal; provided that no student shall be compelled to give testimony which may condemn himself.

5. All public punishments shall be according to a written form, which shall be read aloud by the President or one of the Professors, and shall be entered on the records of the Faculty.

CHAP. VI.—*Of Instruction—Study.*

1. The students shall keep in their respective apartments, and diligently follow their studies, excepting half an hour after breakfast, and from twelve to two o'clock, and at such hour in the evening as the Faculty may appoint.

2. No student shall attend the instruction of any person who may undertake to teach any language, science or art, in the town of Lexington, unless such teacher shall be approved, and have liberty of teaching such student, granted by the trustees; provided, that the President may give permission to attend upon an instructor of merely the polite accomplishments.

3. The students shall regularly and seasonably attend the public and private lectures and recitations enjoined by the rules of the Faculty, or from time to time announced by the President, or by any of the Professors or Instructors. They shall use their best diligence in preparing themselves for their several literary exercises, and shall perform them with care and precision.

4. The several Instructors, as often as they deem it expedient, may require their pupils to review and recapitulate the whole or any portion of the studies; and for better ascertaining and pro-

moting the improvement of the students, they are desired, at each recitation or private lecture, to satisfy themselves respectively, as far as practicable, that each student has duly studied the lesson assigned. For this purpose they are requested to direct the attendance of one or more, or of the whole section, required to perform an exercise, at other than the stated times.

5. The Seniors and Juniors, until the second Monday in February, and after that, the Juniors and Sophomores, in alphabetical order, not less than ten each week, shall perform public exercises in speaking, under the superintendence of the President. Each student shall declaim alternately in English and in one of the ancient languages, unless, for special reasons, one of the modern be allowed, and shall present his piece to the President some time in the week previous to its delivery; and immediately after, give him a fair copy. Temporary absence from the University shall not excuse a student from this exercise.

6. Every Professor shall cause an exact roll to be kept of each class attending upon his instructions. The roll shall be punctually called over at the hour of attendance, and all absentees marked. An abstract of this roll, in so far as it relates to each student, shall be transmitted semi-annually to his parent or guardian.

CHAP. VII.—*Examinations—Exhibitions—Academic honors.*

1. There shall be annually a public examination in the presence of the Faculty, a committee of the Trustees, and such other persons as may choose to attend, beginning on the first Wednesday before commencement, in the studies of the preceding year. Every member of a class shall attend punctually, and orderly, and answer such questions as the President, or any Instructor, or any member of the committee of Trustees, may propose.

2. The examinations are to be close and rigid, every student being left to stand or fall upon his proper merits; due tenderness being at the same time shown, that the effects of perturbation may be avoided as much as possible.

3. At the close of every examination the students shall be ranked according to their respective merits.

4. No student who may be deficient in the studies of the preceding year, shall be permitted, on any account whatever, to proceed to a higher class; but shall be placed at the bottom of the class to which he shall be adjudged.

5. A student not promoted to the next higher class, may be allowed to take the lowest place therein, if, in the opinion of the Faculty, during the first quarter of the next session, he shall have compensated his deficiency.

6. A student who shall be found incompetent to his studies, or negligent in them, shall be dismissed from the University; and want of sufficient progress to entitle him to proceed to a higher class, after remaining two years in the preceding one, shall always

be considered as conclusive proof of such incompetency or negligence.

7. Honorary testimonials, of the first, second and third grades, decorated with the seal of the University, and with suitable devices, shall be adjudged at the annual examination, to such students as may distinguish themselves.

8. No student who shall obtain an honorary testimonial of the first grade twice in succession, shall be a competitor for a premium thereafter, unless he shall appear to have grown negligent, in which case he shall lose the pre-eminence implied by his exclusion, and be again put on the list of the competitors.

9. The names of all students who shall obtain honorary testimonials, or possess the honor of exclusion from competition, shall be announced by the President at the public commencement; and he shall also confer those testimonials in the presence of the assembly.

10. Two weeks shall be allowed for revision, previous to the annual examination; and a month to the senior class, previous to the commencement.

11. Besides the annual examination, there shall be two exhibitions, each of them semi-annually, at such time as the Faculty may announce. Those students who have most distinguished themselves, shall be selected to perform at such exhibitions. Every performer shall lodge with the President, at least one week previous to the exhibition, a fair copy of his composition; and at such time within the week before the exhibition, as the President may fix, each of the students so selected shall rehearse their parts.

CHAP. VIII.

Commencement—Academical Degrees—Vacation—Absence.

1. There shall be a commencement on the second Wednesday of July, in each year, when the academical degrees shall be conferred. No one shall be admitted to a first degree, who has not attended upon, and satisfactorily performed the course of academical exercises; nor any one who refuses or neglects to perform the part in the Thesis, and also for commencement, assigned him by the Faculty. Every one to whom a part in the Thesis has been assigned, shall lodge in the hands of the President, a fair copy of his Thesis, by such time as the President may direct; and each performer at commencement shall deliver a fair copy of his part to the President, one week at least previous to commencement. If any one make additions to what is contained in the copy delivered by him to the President, or shall presume to deliver any thing in public which he has been directed to omit, he shall not be suffered to proceed, and shall be liable to lose his degree.

2. No Alumnus of this University shall obtain the degree of Master of Arts in less than three years after the date of his first diploma, nor unless he shall have made such literary progress, as, in the judgment of the Faculty, shall entitle him thereto.

3. Previous payment of all College dues, and the return or replacing of all books taken by the candidate from the library, are also required, before any degree is conferred.

4. There shall be one vacation, from commencement, for eleven weeks. The stated exercises, after those of the morning, will not be required on the days of public exhibition and examination, nor on Christmas day, nor on the 4th day of July.

5. No student shall abide at the University in vacation, without permission, for some special reasons, from the Faculty, nor in the town of Lexington, unless that be the place of his residence. All who remain in the University, or in Lexington, in vacation, shall be subject to the laws enjoining orderly conduct, as during the session.

6. No student shall be absent a day without leave granted, for some good reason, by the Instructors whose exercises he is required to attend; nor shall he prolong his absence beyond the granted time. If his absence exceed three months, his relation to the University will cease, without some cause be assigned, satisfactory to the Faculty.

CHAP. IX.—*Library.*

1. A Librarian shall be appointed by the Faculty, from among the instructors or students, every year. He shall arrange and number the books belonging to the library, make a catalogue thereof, and have repairs, when necessary, made.

2. No person, except a professor, officer or trustee, shall be admitted to the library, or to handle or use the books.

3. Those students who shall pay to the treasurer half yearly one dollar and a half, shall be entitled to the use of the books, except such as the Faculty shall direct not to be taken out of the library.

4. The Librarian is responsible for the contributions of students to whom he shall give the use of the books. He is to attend at the library, at 12 o'clock on every Friday, except during vacation, to deliver and receive books, of which he shall keep an account, as well as of the condition in which the books are, when taken out and returned.

5. No student shall keep out a book longer than as follows, to wit: A folio, two months; a quarto, one month; and any other book, two weeks. No person shall lend out a book appertaining to the library. Every person receiving books shall be responsible for their safe return, and for all injuries done to them whilst in his possession. If any volume shall be lost, defaced, or otherwise injured, a sum shall be paid equivalent to the damage incurred, or the work of which the volume makes a part, shall be replaced, at the option of the librarian, subject to the right of appeal, on the part of a student, to the Faculty.

6. On the first day of January, and the first day of July, annually, the librarian shall render to the treasurer an account of all students who shall have had the use of the library during the preceding six months; and shall also pay over to him any money that he may have received, on account of the library, during the same period.

CHAP. X.—*Refectory—Commons—Occupation of Rooms—Steward.*

1. The old house on the ground of the University is appropriated to a Refectory, and the residence of the Steward. And all the apartments of the new building, which shall not be necessary for the purposes of instruction, and such parts of the old as are not necessary to the Refectory and Steward, are appropriated as lodging rooms for the instructors and students, to be furnished, heated and lighted at their expence.

2. No student shall lodge or board out of the University, except with his parent or guardian, without the leave of the Faculty, and then at such houses as it shall approve. The students shall reside in the chambers respectively assigned to them; nor shall a student suffer any one to lodge in his chamber, his parent or guardian excepted, without the permission of one of the Faculty.

3. When more than one student occupies a chamber, each shall find his just proportion of furniture, fuel and candles, whether he be present or not. If any one refuse or neglect such contribution, it shall be charged in his bill, and paid in the advance required by the by-laws, or according to the bond.

4. All who reside in the University, shall constantly, while in town, breakfast, dine and sup in the Commons Hall, at the hours which shall be fixed, except in case of sickness, or when invited out. If all the instructors, whose duty, if present, it is to ask a blessing and return thanks, should be absent at any meal, the senior under-graduate, at each table, shall ask a blessing and return thanks; and all shall take their places, on a signal to be given by the Steward, and conduct themselves with decency. No one shall leave the table before thanks returned.

5. The Faculty shall prescribe such rules for the preservation of order at meals, and for enforcing due respect to the Steward, as shall appear, from time to time, to be necessary.

6. The commons table shall be well supplied with plain, substantial and comfortable diet, such as is used in families in the middling circumstances in life.

CHAP. XI.—*Of charges to the University.*

1. A Refectory being established for the purpose of economy and good discipline, and without any view to profit, the incidental expence, comprehending boarding, lodging, fuel, furniture of the commons hall, and salary of the Steward, shall be so adjusted by a committee of the trustees, from time to time, as to be equally apportioned among those who derive benefit from the establishment.

2. To meet all charges of students living in commons, the parent or guardian of the student, at his option, may give bond with surety residing in Lexington, to be approved by the treasurer, to pay those charges at the stated times in the college year, as the bills are made out and presented by the treasurer to the student, or in lieu of such bond, advance fifty dollars upon the first Monday in November, or on his admission; fifty dollars on the first day of January, and fifty dollars on the first of April, annually, to be credited in his bills. And in like manner bond and surety are required for those students who do not live in commons, or the advance, at the option of their parents and guardians, of \$13 33 for those who enter the classes, and \$10 for those who enter the grammar school, on the first Monday of November, upon their admission respectively, and the same sums on the first day of January, and the first day of April, annually. The stated times for the payment of the college dues, are the beginning of the term, the first of January, and the first of April. If a student shall be admitted beyond one month after the commencement of a term, he shall be entitled to a proportionate abatement.

3. The tuition fees shall be, in the grammar school, thirty dollars, and in the classes, forty dollars, the college year.

4. The Steward shall be appointed by the Trustees, and shall receive such salary as may be agreed upon.

5. Each person in Commons shall be responsible for breakage and injury done by him to the furniture of the commons hall.

6. If any damage shall be wantonly done by any student, to the buildings, philosophical apparatus, or other property of the University, he shall pay double the expence of repairs, to be assessed by the Faculty.

I.

Regulations which are to be observed by every undergraduate in Transylvania University.

1. He shall not, after the exercises of the session have commenced, and the classes are formed, enter or leave a class, without permission from the President, or, in his absence, from a Professor.

2. He shall not, without a similar permission, leave town, except for Saturday after declamation, and for Sunday.

3. He shall attend the stated declamation of the students on Saturday in the chapel.

4. He shall not visit his fellow students in their rooms during the hours of study, nor unseasonably at night.

5. He shall not throw water out of a college window, but shall provide himself with a suitable vessel to receive it, which shall be statedly emptied by a servant.

6. He shall not lay wood against any portion of the plastered wall, nor write upon it, nor cut any of the wood work of the building, nor deface it in any other way.

7. He shall not bring a dirk, a sword, or any kind of fire-arms into college, nor shall he use them when they are brought in by others.

8. He shall not play on any instrument of music during study hours, nor when any officer is delivering a lecture in the building, nor after 9 o'clock at night, nor on Sunday.

9. He shall not walk in any of the college entries for the purpose of studying or talking, nor shall he stand at a door, except to converse with an officer of the University.

10. He shall not, except he reside in college, sleep in it at night, nor stay in it unseasonably, nor sleep out of it if he be a resident in it, without permission from an officer of the Faculty.

11. He shall make no disturbance at the door of any room in college, for the purpose of gaining admission, nor for any other purpose.

12. He shall not leave, unless he also leave a person in the room, a burning candle in it, nor a fire upon the andirons, but shall carefully lay the wood upon the hearth in a safe position.

13. He shall not carry fire carelessly from room to room, nor up or down stairs.

14. He shall not introduce into his room, nor use in it, ardent spirits, without a written permission from an officer of the Faculty, or from a regular physician.

15. He shall not take, nor leave, nor exchange a room in college, without permission from the President, or, in his absence, from a Professor.

16. He shall not play, jump, talk loud, or be guilty of any other disturbance in front of the colleges, within the pavement of brick which passes from one gate to the other, nor at the ends of the building, nor back of it in the college yard.

17. He shall not bring upon the college grounds, nor use upon them, any stone or brick, or other weight to aid him in jumping, or in any other exercise; nor shall he make holes in the yard, nor play bandy in it.

18. He shall not discharge fire-arms or crackers on the college grounds, without permission from the President or a Professor.

19. He shall stop his play in the yard when an officer of college, or a gentleman or lady is passing so near as to be disturbed by its continuance.

20. He shall not wear his hat in the chapel, library, or recitation room, without permission from the officer present.

21. He shall not smoke tobacco in any of the public rooms, nor in an entry of the college.

22. He shall not put a wood box out of a room without permission, nor destroy it, nor shall he put any article of furniture into an entry of college to remain there for a night.

23. He shall not break off a limb from any tree on the college grounds, nor cut or otherwise injure the bark.

24. He shall not climb the fence, nor sit upon it.

25. He shall not play billiards at any public house during the session.

26. He shall not walk in the streets during study hours, except in going to and from his college exercises, nor shall he go to the shop of any grocer, confectioner, or other person whatever, during study hours. If he make extravagant bills at such places, and the fact be known to the Faculty, it will be considered as a proper subject of censure and discipline.

27. If he be absent without satisfactory reasons, three times from his recitation to any instructor, he shall be called before the Faculty, and censured or otherwise punished, as the case may require, and information shall be given to his parent or guardian.

28. Each monitor shall give his bill to the officer who first hears his class on Monday.

29. The monitors shall not only note absences from prayers, but from the stated declamations, and they shall also note each student who leaves the chapel during any lecture or exercise which he is required to attend.

30. Students residing in families in town, are bound by the same rules with those residing in college.

31. The members of the Preparatory Department, unless they reside in the University Hall, shall not come into it, without permission from an officer of the college, or unless they be sent on some proper errand, or be accompanied by their parents or guardians. To attend the declamation on Saturday, they must get leave from the President, or, in his absence, from a professor.

32. No student is admitted for a shorter period than the session, or the part which remains after his admission.

33. No student shall possess or exhibit any indecent picture, nor purchase nor read in the University, any lascivious or immoral books, and if any student shall be convicted thereof, or of lying, profaneness, playing at unlawful games, or other gross immoralities, he shall be punished according to the nature of the offence.

34. No student shall quarrel with, insult, or abuse his fellow student, nor any other person whatever. No student shall go to a tavern or any other public house, for the purpose of entertainment or amusement, without permission from an instructor; nor shall he associate nor keep company with persons of bad character.

35. No hallooing, loud talking, whistling or jumping, or other disturbing noise or act, shall be permitted in the buildings

of the University, nor disorderly conduct in the town, by a student; nor shall any student disturb or attempt any imposition on his fellow student in any manner whatever.

36. If any student offending against the laws, should presume to leave the University without a certificate from the Faculty, of his conduct and standing whilst there, it shall be at the discretion of the Faculty to make the name of such offender public, with the nature and degree of the offence.

37. No student shall engage or assist in any theatrical performance, unless permitted by the faculty.

38. The students shall treat all persons with whom they have intercourse, with decency and respect, and shall on all occasions observe the commands of the officers.

The last six regulations are from the 3d chapter of the college laws as printed by the Trustees.

LUNATIC ASYLUM.

The joint committee have also, according to order, examined the situation of the Lunatic Asylum, and now beg leave to report.

With relation to the finances of the institution, they appear to the committee to have been managed with care and economy; the disbursements prudently and advantageously made, so far as they came within their notice; and the accounts correctly kept, and supported by vouchers, which were submitted to the committee, and by them carefully and rigidly examined, and every item contained in the account herewith filed and made a part of this report, appeared correct.

The Commissioners have received from the public Treasury,

the sum of	\$7,500 00
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From private individuals,	420 00
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\$7,920 00

And have expended for building, improvements, furni-

ture and necessities for the Lunatics, including wages

of attendance and all other expences,	\$5,995 79
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Leaving still in the hands of the Chairman of the Com-

missioners, subject to future appropriation,	\$1,924 21
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Of the sum expended, \$3,065 94 may be considered as vested capital, having been converted into permanent improvements and necessary furniture; \$2,929 85 have been expended in the maintenance of the Lunatics, wages of their keepers, attendants, &c. and may be considered as the current expences of the institution, from the first of May last, when it was first prepared for the reception of Lunatics, to the 9th November, 1824.

There are, at this time, thirty-three individuals in the institution, four of whom are supported at their own expence, or of their friends, and twenty-seven by the munificence of the state; one case of mortality has occurred; two have been completely restored to the use of reason and discharged, added again to the family of happy and rational man, as living examples of the utility of this humane institution. On the score of economy, therefore, the committee, comparing the present expence with that incurred previous to the erection of the Lunatic Asylum, are irresistably led to the conclusion, that it is not only the most humane, but the cheapest plan that could have been devised, for the safe-keeping and restoration of that unfortunate class of the community, which it is the duty of the Legislature to protect and provide for. The institution appears to have been well governed, and its regulations as well adapted to the purposes of its creation, as the means within the control of the Commissioners would admit of. From the personal examination and information obtained by the committee, the unfortunate tenants seem to have been well provided with medical attendance, and all the comforts which the most tender regard for their situation could have suggested, and we have reason to believe have never suffered for any of the conveniences which mental derangement could enjoy, and the Commissioners had power to procure. But the Committee would suggest, that the Lunatics are not sufficiently guarded against the inclemency of the winter. The building was not constructed for the purpose to which it is now applied, and in consequence, wants many of the comforts and conveniences which the committee think necessary. It is three stories high, its rooms spacious and well aired, and however well adapted to the purposes of a hospital for the sick, for which it was originally intended, will require material alteration and some additional buildings, before it can be rendered a suitable asylum for the maniac. The Commissioners have erected, in the third story, small temporary cells of plank, for their comfort and safe-keeping; but the cells are all in one room, in which there is but one fireplace, and, consequently, but few can receive the benefit of the fire. It is feared those confined in the cells farthest from it, will suffer severely from cold, even if those nearest to it, should be sufficiently warm to be comfortable. The danger from fire, under the present arrangement, is also a subject not unworthy of attention, as the presence of their keepers is always necessary to prevent mischief, while the maniacs have access to it.

Confinement in separate and solitary cells, is often required, not only for the safety and good government of the maniac, but to procure that quiet and repose sometimes so essential to the restoration of reason. Without inquiring into manifold causes of insanity, which may be as various as the avenues of thought or sources

of human misery, its effects are frequently seen in a contest between reason and madness, for empire over the mind of the subject. To assist reason in this struggle, by all the means in his power, is a duty of the mental physician. To soothe the wounded spirit, recall the wandering mind, and fix the attention steadily upon such subjects as are best calculated to calm a heated imagination or quiet an overstrained and excited intellect, is the first step towards restoring the dominion of thought; but how can this be accomplished, when, very often, at the moment reason re-asserts her empire, and before she is yet well seated on her throne—at the time when the patient needs repose to collect his scattered thoughts and tranquilize his mind, his ears are assailed by the cries, the shrieks or the wild declamation of some less tranquil maniac? Yet this evil cannot be prevented, so long as the patients are separated only by a plank partition. The Committee would, therefore, strongly recommend, that the Commissioners should be vested with the power, and a sufficient sum of money appropriated, to build the necessary number of cells, with a stove or other mode of warming them, in each. The ground attached to the institution, and used as a yard and garden, is, at this time, enclosed with a post and rail fence only, which precludes the possibility of the Lunatics being indulged in a free access to the open air, and the advantages of exercise, so conducive to bodily as well as mental health, and their safety from escape would also be ensured, was this evil remedied by a stone, or even a plank fence; for the present one is neither a barrier to the escape of the Lunatics, or to their annoyance by idle and unfeeling spectators. This committee also, for the reason assigned in the report of the Commissioners, recommend the reduction of their number to five. Wherefore, the committee recommend the adoption of the following resolutions:

Resolved, That the sum of _____ be appropriated to the use of the Lunatic Asylum, and subject to the check of the Chairman of the board of Commissioners; and that the said board of Commissioners be empowered by law, to make such additional improvements, as in their opinion may be necessary for the comfort and safe-keeping of the unfortunate Lunatics confined therein.

Resolved, That the number of the board of Commissioners of the Lunatic Asylum, be reduced to the number of five.

From the Senate,

THO. D. CARNEAL, *Ch'm.*
YOUNG EWING.

From the House of Representatives,

R. B. NEW, *Ch'm.*
P. TRIPLETT,
SILAS EVANS,
JACOB A. SLACK.

To the General Assembly of the Commonwealth of Kentucky.

In pursuance of the law of last session, the Commissioners of the Lunatic Asylum report, that the institution was organized and prepared, on the first day of May last, for the reception of the afflicted and unfortunate members of the community, for whose comfort and advantage the bounty of the State had been kindly bestowed.

Your Commissioners have received from the public Treasury, the sum of seven thousand five hundred dollars, and from private individuals, four hundred and twenty dollars. They have expended the sum of five thousand nine hundred and ninety-five dollars, seventy-nine cents; leaving in their hands on the 9th day of November, 1824, the sum of nineteen hundred and twenty-four dollars twenty-one cents. Of the expenditures, eleven hundred and sixty dollars ninety-five cents, have been laid out for the purchase of furniture and other materials necessary for the institution, and which they now have on hand, and the further sum of nineteen hundred and five dollars thirty-nine cents, in permanent improvements and repairs to the buildings, &c. which are more explicitly set forth in the accounts hereto annexed. These accounts, together with the vouchers evidencing the correctness of the charges, have been submitted to the Asylum Committee, appointed by both houses of your honorable body, at their present session, for their inspection.

There are, at this time, thirty-three individuals enjoying the full benefit of this institution, twenty-seven of whom are supported by the munificence of the State, and the remainder under contracts made by the board of Commissioners with their committees or friends, to be fulfilled out of their individual estates. Two have been completely restored to the lights of reason, to the joy of their friends and the friends of humanity, and have been discharged; and although most of the cases are of long standing, and of the most desperate kind, strong hopes are entertained by your Commissioners, (and the Medical Faculty of Transylvania University, who have generously contributed their services,) that several other cases will terminate in the like happy result. One case of mortality has occurred.

Your Commissioners beg leave to suggest the propriety of reducing their number, providing a mode of supplying vacancies in the board, and granting to them the power of causing some further improvements to be made, by building, &c. They are well aware, that in this, they are travelling out of the strict line of the duties enjoined on them. By law, they are required to report the condition of the institution; but believing that the public good and the comfort, welfare and preservation of those enjoying the bounty of the State, require some improvements and changes, they have (not without some hesitancy, however,) ventured to suggest them.

The building is large and spacious, sufficient as a hospital, to contain and accommodate one hundred individuals, for the purpose it was originally planned and the walls erected. The rooms are generally large and spacious, and well adapted to the comforts and conveniences of the sick and infirm; but wholly unfit for the maniac. They require confinement to prevent injuries to themselves, or those around them; they require separate apartments for their quiet and repose; they require, in the winter season, small apartments that can be comfortably warmed, without placing fire within their reach, and in the summer, all the indulgences of air and exercise that can be extended towards them. Any other confinement than that to a room, is prejudicial, and should never be resorted to, unless through absolute necessity. Your Commissioners are impressed that it is indispensably necessary, that there should be some cells erected for separate confinement, in cases of severe mania, and they had contemplated their erection out of the funds already appropriated by law, believing there would be enough for that purpose and support of the institution, until the present meeting of the Legislature; but a majority of the board, on a strict examination of the law, were of opinion they had no power to make such appropriation, and were unwilling to take upon themselves the responsibility. It would add much to the comforts and conveniences of the institution, if the whole of the ground was so enclosed as to prevent the escape of individuals who should be permitted to go at large. As it now exists, they must be pent up in a small enclosure, or watched at an expence greatly disproportioned to the value of a wall or fence. It is presumed, that an appropriation for the ensuing year of the sum of \$15,000, would be sufficient for the improvements suggested, as well as for the entire support of the institution. In this estimate, we presume the additional improvements will cost about \$7,000.

It is a difficult matter to convene a sufficient number of the Commissioners to form a board, when the affairs of the institution may require it. The same labor and attention bestowed by three, or at most five individuals, which is now required of the ten, it is believed, would be productive of more salutary effects. If there were but three, the individual wishes, suggestions or orders of each, would be more promptly obeyed by those under their control. Their meetings could be more frequent, and their views and sentiments more readily imparted and interchanged. It would then be more necessary, that provision should be made by law, for filling vacancies that might occur; and it is hoped, that individuals could be selected, with either integrity or individual responsibility sufficient to guarantee to the state, the due application of the funds placed under their control, without compelling them to tax

the generosity of their friends, in becoming their sureties. All which is respectfully submitted.

JOHN W. HUNT, *Chairman*.

Lexington, November 9th, 1824.

Statement of expenditures and receipts by the Chairman of the board of Commissioners of the Lunatic Asylum, in Lexington, from March 1st, 1824, to November 9th, 1824.

Paid for transportation of Lunatics, as per receipts,	\$415 31
Do. Bacon, beef, meal, groceries, hay, corn, flour, &c.	791 40
Do. Medicines,	251 54
Do. Wages of Steward, Governess, assistants, cook, washer, &c.	648 70
Do. Furniture and fixtures in the house,	1,160 95
Do. Additional buildings, fences, paving and repairs,	1,905 39
Do. Clothing for the Lunatics,	131 50
Do. Grave digging and coffin,	12 00
Do. 110 cords of wood,	384 00
Do. 3 cows and 1 cal.,	60 00
Do. 1 horse,	125 00
Do. cart and gears,	110 00

\$5,995 79

Received of Lunatics for board &c.	\$415
Do. for one calf sold,	5
Do. from the Treasury of the State,	7,500—7,920 00

Balance in the hands of the Chairman, Nov. 9, 1824, \$1,924 21

Now in the Asylum, 20 males and 13 females—total,	33
Discharged cured,	2
Escaped,	2
Taken away by friends,	3
Died,	1
Total admitted,	41

Mr. Stephens, from the select committee to which was referred the memorial of Valentine W. Peyton, and the nomination and response of George Shannon, Esq. made the following report, to wit:

The select committee to which was referred the nomination of Judge Shannon, and the memorial of Valentine W. Peyton, remonstrating against the confirmation of said nomination as Judge of the 10th judicial district, have had the same under consideration. They have examined a number of witnesses, touching the charges; and after due deliberation, they are of opinion that there

was nothing proved, derogatory to the character of the Judge, and no conduct showing partiality, oppression, or that it had been even arbitrary; that the complaint seems to have arisen from the hardship arising from the great distance the memorialist had to attend, and other peculiar circumstances; but more than usual indulgence was given, under all these considerations. Your committee, therefore, recommend to the Senate, the adoption of the following resolution:

Resolved, That the Senate advise and consent to the nomination of George Shannon, as Judge of the 10th judicial district.

Which being twice read, was concurred in.

When, on motion, the message from the Executive, heretofore received and referred, covering the said nomination, was taken up and again read; whereupon it was resolved that the Senate do advise and consent to said nomination.

Ordered, That Messrs. Hickman and Carneal inform the Governor thereof, the same being duly certified.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act providing for copying certain records in the Surveyor's office of Fayette county;" which passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings thereof, being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Flournoy carry the same to the House of Representatives, for their concurrence.

Leave was given to bring in the following bills, to wit:

On motion of Mr. Wickliff—1. A bill to change the time fixed by law for the annual meeting of the Legislature.

On motion of Mr. Beaty—2. A bill to amend the charter and law establishing the Bank of the Commonwealth.

On motion of Mr. White—3. A bill to amend the law concerning the manner of authenticating foreign deeds, records, and other instruments of writing.

Messrs. Wickliff, Dawson and White were appointed a committee to prepare and bring in the first; Messrs. Beaty, Faulkner, Beauchamp and Ballinger, the second; and Messrs. White, Denny and C. H. Allen, the third.

Mr. Denny obtained leave to report a bill to amend the charter of the Shelbyville and Louisville Turnpike Road Company; which passed to a second reading.

Mr. Lyon read and laid on the table a joint resolution appointing a committee to examine the Bank reports.

A bill from the orders of the day, concerning securities, was taken up; and the amendments proposed by the select committee

to which said bill was last referred, being twice read, were concurred in, when Mr. Beauchamp offered, by way of amendment, an additional section to said bill; but, anterior to the question being taken on the adoption thereof,

The Senate adjourned.

MONDAY, NOVEMBER 29, 1824.

The Senate assembled.

Mr. Forsythe presented the petition of sundry citizens of Gallatin, Boone and Grant counties, praying the formation of a new county out of parts of those counties; which, with the accompanying documents, was referred to the committee of propositions and grievances.

Mr. C. H. Allen presented the petition of J. W. Denny and P. W. Grayson, covering a proposition in relation to the publication of a Digest of the decisions of the Appellate Court, &c.; which was read, and referred to the committee of courts of justice.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the memorial of John Adair, late Governor of Kentucky, and beg leave to submit the following report:

All the officers of government have been compelled by law to receive their salaries in the paper of the Bank of the Commonwealth, during the period that the memorialist administered the government, and up to the present time. Your committee cannot deem it proper to make any distinction among the officers of government, in respect to the medium in which their salaries are paid. To grant the prayer of the memorialist, in the opinion of the committee, would substantially do this. They have, therefore, come to the following resolution thereupon, to wit:

Resolved, That it is inexpedient to grant the prayer of said memorialist.

Which was read and concurred in.

Mr. Ewing, from the same committee, also made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petition of Samuel Drake, to them referred, praying an exemption from the operation of the laws authorising the imposition of taxes upon itinerant players, &c. and have come to the following resolution thereupon, to wit:

Resolved, That the said petition is reasonable.

Mr. Dudley moved to strike out the words "is reasonable," and insert in lieu thereof the words, *be rejected*; and the question being taken thereon, it was decided in the negative.

Whereupon said report was concurred in.

A message from the House of Representatives, by Mr. Wilcoxen:

Mr. Speaker—The House of Representatives concur in a resolution which originated in the Senate, for raising a joint committee to enquire into the conduct and accounts of the Keeper, Agent, and Building Commissioners of the Penitentiary.

Mr. Ewing obtained leave to report a bill to authorise the Trustees of the Kentucky Seminary to dispose of, by compromise, the interest of said Seminary in certain lands; which being reported, passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings of said bill were dispensed with, and it was

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ewing carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Denny, a bill from the House of Representatives, entitled "an act to alter the time of holding the Jefferson county courts," was taken up and read, and ordered to be read again; when, the rule, constitutional provision and further readings of said bill being dispensed with, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Denny inform the House of Representatives thereof.

The Senate proceeded to a consideration of the orders of the day.

A bill for the benefit of securities, was taken up, Mr. Beauchamp's amendment being under consideration; when Mr. Beauchamp withdrew his amendment, and moved to lay said bill on the table until the first day of June next; and the question being taken thereon, it was decided in the negative. Whereupon the same was committed to a select committee of Messrs. Denny, Howard, Crutcher and Beauchamp, for amendment.

The orders of the day being for the moment suspended, under the joint resolution for raising a committee to examine, &c. in relation to the Penitentiary, the following committee was appointed by the Speaker, on the part of the Senate, to wit: Messrs. Denny, J. Allen and Beauchamp.

A bill to regulate civil proceedings, was taken up, the amendments proposed by the committee of the whole being under consideration; whereupon the two first amendments were concurred in.

The third amendment proposed to strike out the last section of the bill, which was read as follows, to wit:

§ 5. *And be it further enacted*, That hereafter, when any bond taken for the delivery of property levied upon by virtue of an execution, shall be forfeited, and the sheriff shall return upon the execution that the property was not delivered according to the condition of such bond, the same shall have the force and effect of a judgment; and the clerk or justice of the peace, upon the application of the plaintiff or plaintiffs, shall issue an execution against the principal and security or securities, upon which he shall endorse that "no security shall be taken;" and any and all estate levied upon, under such execution or any subsequent execution, shall be sold by the sheriff for gold or silver coin, to the highest bidder: *Provided, however*, that if the execution by virtue of which the delivery bond may have been taken, shall have been endorsed, "that notes of the Bank of the Commonwealth or its branches, or notes of the Bank of Kentucky or its branches, would be received," the clerk shall make a similar endorsement on all executions which may issue on such delivery bond, and the sheriff or other officer shall be regulated in making sale, accordingly.

And the question being taken thereon, it was decided in the affirmative—Yeas 18, nays 14.

The yeas and nays being required thereon by Messrs. Hickman and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Beauchamp, Carneal, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Stephens, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Daniel, Davidson, Dawson, Faulkner, Hickman, Howard, Lockett, Lyon, J. Ward and Wickliff.

When, on motion of Mr. Beauchamp, said bill was committed to a select committee of Messrs. Beauchamp, Carneal, Denny, Hickman, Davidson and Ewing, for amendment.

Engrossed bills of the following titles, were read a third time, to wit: 1. An act concerning Attorneys at Law; 2. an act for the benefit of the heirs and representatives of David Allen, deceased; 3. an act concerning land warrants that may have been lost; 4. an act for the benefit of Rebecca Watson and Henry Durham; 5. an act for the benefit of the Presbyterian Congregation in Louisville.

The first was, on motion, referred to a select committee of Messrs. Carneal, Denny and Stephens; the 2d, 3d and 4th were passed, their titles respectively as aforesaid.

Ordered, That Mr. J. Allen carry the 2d, and Mr. Dawson the 3d and 4th, to the House of Representatives, for their concurrence.

The question being taken on the passage of the 5th, it was decided in the affirmative—Yeas 19, nays 14.

The yeas and nays being required thereon by Messrs. Lockett and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Beaty, Bowman, Carneal, Crutcher, Davidson, Denny, Ewing, Faulkner, Flournoy, Forsythe, Howard, Lyon, Maccoun, Muldrow, Stephens, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Beauchamp, Daniel, Dawson, Dudley, Hughes, Lockett, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey.

On motion, the title was amended to read, "an act authorising the collection of certain moneys due to the first Presbyterian Church in Louisville."

Ordered, That the Secretary report said bill to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

TUESDAY, NOVEMBER 30, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill entitled "an act to alter the time of holding the Jefferson county court," and that the same was truly enrolled.

Ordered, That Mr. Yancey carry said bill to the House of Representatives, for the signature of their Speaker.

Mr. Lyon, from the same committee, reported that they had examined an enrolled resolution for raising a joint committee to examine and report the conduct and accounts of the Keeper, Agent and Building Commissioners of the Kentucky Penitentiary, and that the same was truly enrolled.

Ordered, That Mr. Lyon carry said resolution to the House of Representatives, for the signature of their Speaker.

Mr. Ewing, from the committee of propositions and grievances, reported the following bills, to wit: 1. A bill to authorise the opening of a State road from Huffman's ferry on the Ohio river, to Bowlinggreen, in Warren county; 2. a bill to change the place of holding the courts of Meade county; 3. a bill concerning theatrical performances; which severally passed to a second reading.

Mr. Selby presented the petition of sundry citizens of Adair, Wayne and Cumberland counties, praying the formation of a new county out of parts of those counties, together with remonstrances against the same; which were, with other documents relative

thereto, referred to the committee of propositions and grievances.

Mr. P. N. O'Bannon, from the select committee raised for that purpose, reported a bill for the benefit of William Gordon and Elizabeth M'Pherson, which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. P. N. O'Bannon carry the same to the House of Representatives, and request their concurrence.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. C. H. Allen—1. A bill to authorise Jesse Kennedy to raise by lottery, a certain sum of money.

On motion of Mr. Dudley—2. A bill to authorise John Bartlett and his associates to erect a bridge over main Elkhorn.

On motion of Mr. Stephens—3. A bill to regulate the town of Stephensonport, and to vest the title of the land set apart for said town, in certain trustees, and for other purposes.

On motion of Mr. Dudley—4. A bill authorising judicial attachments in certain cases.

On motion of Mr. Beauchamp—5. A bill to amend the law establishing the Bank of Kentucky, and the several laws amendatory thereof.

Messrs. C. H. Allen, Carneal and P. N. O'Bannon were appointed a committee to prepare and bring in the first; Messrs. Dudley, Smith and Crutcher, the second; Messrs. Stephens, Wickliff and Worthington, the third; Messrs. Dudley, C. H. Allen and Flournoy, the fourth; and Messrs. Beauchamp, Smith and J. Allen, the fifth.

Mr. Carneal, from the select committee to which was referred a bill concerning Attorneys at Law, reported the same with sundry amendments.

The first proposed to strike out the second section of the bill, which was concurred in.

The second proposed to strike out the third section thereof; whereupon, said section being amended, the amendment proposed by the committee was rejected.

The yeas and nays being required thereon by Messrs. Dudley and Carneal, were as follows, to wit:

Those who voted in the affirmative, are; Messrs. Beauchamp, Carneal, Daniel, Davidson, Dawson, Dudley, Faulkner, Hickman, Lyon, Maccoun, Selby and Yancey—12.

Those who voted in the negative, are; Messrs. C. H. Allen, J. Allen, Ballinger, Beaty, Bowman, Crutcher, Ewing, Flournoy, Forsythe, Hughes, Lockett, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, Stephens, J. Ward, Wickliff and Worthington.

The third and fourth amendments proposed by the committee, to wit, to strike out the fourth and fifth sections of the bill, were severally concurred in. The fourth section whereof reads as follows:

§ 4. *And be it further enacted*, That it shall be the duty of the Judge of each circuit court to give this act in charge to the grand jury, at every term of their respective courts; and it shall be the duty of the grand jury to present all persons who shall to them appear to be defaulters within the provisions of this act.

The yeas and nays being required on striking it out, by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Beaty, Bowman, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Lockett, Lyon, P. N. O'Bannon, Selby, Smith, J. Ward and Wickliff—16.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Beauchamp, Carneal, Daniel, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, Muldrow, Stephens, Worthington and Yancey—15.

The fifth amendment proposed to strike out the preamble, which was retained.

Mr. Wickliff then moved to lay the bill on the table until the 10th day of June next; and the question being taken thereon, it was decided in the negative—Yeas 16, nays 17.

The yeas and nays being required thereon by Messrs. Lockett and Stephens, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Ballinger, Beaty, Beauchamp, Bowman, Carneal, Daniel, Davidson, Dawson, Dudley, Faulkner, Lockett, Maccoun, W. B. O'Bannon, Selby, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Crutcher, Ewing, Flournoy, Forsythe, Hickman, Hughes, Lyon, Mayo, Muldrow, P. N. O'Bannon, Smith, Stephens, J. Ward and Worthington.

And thereupon said bill was re-committed to a select committee of Messrs. Hughes, Carneal and Stephens, for amendment.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed enrolled bills and a resolution of the following titles, to wit: An act appointing a commissioner of the road from Mountsterling to the Virginia line, by the way of Prestonsburg, and to instruct the commissioner in relation to the same; an act appropriating money for the use of the Penitentiary; an act to alter the time of holding the Jefferson county court; a resolution appointing a joint committee to investigate the accounts and conduct of the Keeper, Agent and Building Commissioners of the Penitentiary.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature; and after a short time, Mr. Yancey reported that they had performed that duty.

Mr. Ewing, from the committee of propositions and grievances, reported a bill to authorise Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms; which passed to a second reading.

On motion of Mr. Lockett, a bill from the House of Representatives, entitled "an act for the benefit of Benjamin Craig," was taken up and passed to a second reading; and the rule, constitutional provision and second reading thereof being dispensed with, the said bill was referred to a select committee of Messrs. Lockett, Carneal and Ewing, for amendment.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to authorise John Bartlett and his associates to erect a bridge over main Elkhorn, in Franklin county; which passed to a second reading.

The Senate then proceeded to a consideration of the orders of the day.

A bill concerning occupying claimants of land, was read a second time, and, on motion, referred to a committee of the whole on the state of the Commonwealth, for Tuesday next.

A bill to amend the several laws concerning ferries, was read a second time, and, on motion, committed to a select committee of Messrs. Flournoy, Mayo, Maccoun and Daniel, for amendment.

A bill to change the time fixed by law for electing members of Congress, was read a second, and ordered to be engrossed and read a third time to-morrow.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled resolution which originated in the Senate, entitled "a resolution appointing a joint committee to investigate the accounts and conduct of the Keeper, Agent and Building Commissioners of the Penitentiary."

Thomson Ward, Esq. a Senator from the 32d senatorial district, appeared and took his seat.

An engrossed bill, entitled "an act for the benefit of the Sheriffs of Christian and Henry counties," was read a third time; and the question being taken on the passage thereof,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary carry the same to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 1, 1824.

The Senate assembled.

Mr. Stephens presented the remonstrance of sundry citizens of the counties of Breckinridge, Ohio and Grayson, opposing the formation of a new county out of parts of those counties; which was referred to the committee of propositions and grievances.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beaty—1. A bill for the benefit of Jesse Walker and others.

On motion of Mr. Davidson—2. A bill to amend the law for the recovery of debts cognizable before a Justice of the Peace, approved February 1st, 1809.

On motion of Mr. Dudley—3. A bill for the benefit of Abraham Wood and others.

On motion of Mr. Forsythe—4. A bill to regulate certain officers' fees.

On motion of Mr. Lockett—5. A bill for the benefit of James Rouse.

On motion of Mr. Crutcher—6. A bill for the benefit of William Myers.

The following committees were thereupon appointed to prepare and bring in said bills, to wit: Messrs. Beaty, Davidson and Faulkner, the first; Messrs. Davidson, C. Allan and T. Ward, the second; Messrs. Dudley, Selby and Davidson, the third; Messrs. Forsythe, Muldrow and Hughes, the fourth; Messrs. Lockett, Crutcher and Dawson, the fifth; and Messrs. Crutcher, Muldrow and T. Ward, the sixth.

Mr. C. H. Allen, from the select committee raised for that purpose, reported a bill to authorise Jesse Kennedy to raise by lottery, a certain sum of money; which passed to a second reading.

Mr. Lockett, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for the benefit of Benjamin Craig," reported the same with amendments, which being twice read, were concurred in. and the bill was, on motion, referred to the committee for courts of justice.

Mr. Howard, from the select committee to which was referred a bill for the benefit of securities, reported the same with amendments.

The amendment proposed by the select committee, was a substitute in lieu of the whole bill, after the enacting clause, which was concurred in; and the same being further amended, was read as follows, to wit:

A bill for the benefit of Securities.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, if any security or securities,*

for the payment of money or property, or for the performance of any contract, covenant or agreement, shall, after the money or property becomes due, or a breach of the contract, covenant or agreement shall have taken place, give to the obligee or obligees, assignee or assignees, or the holder thereof, his, her or their executors, administrators or heirs, in such note, bond, contract or covenant, a notice in writing, requiring suit to be instituted against the principal; unless the party thus notified, shall proceed within sixty days after the service of such notice, by suit and prosecute the same to judgment and recovery, with due diligence, the security or securities shall stand discharged.

Sec. 2. *And be it further enacted*, That the notice provided for by the first section of this act, shall be served upon the party personally, in the county where he, she or they may reside, if his, her or their residence be within this Commonwealth; and if his, her or their residence be without the Commonwealth, it shall be good service of said notice, if the same is published weekly for weeks, in some public authorized newspaper of this Commonwealth.

Sec. 3. *And be it further enacted*, That it shall be lawful for any constable or sheriff within this Commonwealth, to serve the notice provided for by this act, whose duty it shall be to make return of the execution and service of said notice, to the clerk of the circuit court of the county in which the notice is executed; and it shall be his duty to preserve the same, which shall forever after be evidence of the service of said notice.

Sec. 4. *And be it further enacted*, That when notice shall be published in a newspaper, according to the provisions of this act, the editor or printer shall certify the same, and return it to the clerk's office, as provided for in the case of notice served by an officer, and the same shall forever after be evidence of the service of said notice.

Sec. 5. *Be it further enacted*, That all contracts hereafter made, shall express upon their face who are the principal or principals, and who are the security or securities, in order that the securities may avail themselves of the benefits of this act: *Provided, however*, that this act shall only affect contracts hereafter to be made.

Mr. C. Allan moved to lay said bill, with the amendments, on the table until the first day of June; and the question being taken thereon, it was decided in the affirmative—Yeas 20, nays 15.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Barrett, Beaty, Bowman, Carneal, Daniel, Davidson, Dawson, Faulkner, Hickman, Maccoun, Mayo, W. B. O'Bannon, Selby, J. Ward, White, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. J. Allen, Beauchamp, Crutcher, Dudley, Flournoy, Forsythe, Howard, Hughes, Lockett, Lyon, Muldrow, P. N. O'Bannon, Smith, Stephens and T. Ward.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Which was thereupon taken up and read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives,

I have the honor to transmit herewith to you, for your consideration, a communication lately received from the Governor of the State of Ohio, enclosing certain resolutions of the Legislature of that State, relative to the construction of a navigable Canal around the Falls of the river Ohio, and also the reports upon that subject, of the Engineer and Assistant Engineer, employed by the State of Ohio.

JOSEPH DESHA.

December 1, 1824.

COLUMBUS, NOVEMBER 20, 1824.

His Excellency, the Governor of Kentucky.

SIR:—I herewith transmit a copy of certain Resolutions of the General Assembly of the State of Ohio, passed at their last session, and in accordance therewith, have to request of your Excellency that you will communicate the same, with the accompanying Reports of the Engineer and Assistant Engineer, to the General Assembly of your State. The Report of the Engineer was formerly communicated; but unaccompanied with the Resolutions of the General Assembly.

I have the honor to be, very respectfully,

Your obedient servant,

JEREMIAH MORROW.

RESOLUTIONS.

The joint committee to whom was referred, the Governor's Message and accompanying documents, relative to a Canal at the Falls of the Ohio, beg leave to report:

That they have examined the report of the Engineer appointed by the Governor in pursuance of "an act respecting a Canal at the Falls of the river Ohio," which act had for its object, the attainment of correct and satisfactory information, relative to the practicability of, and facilities offered for cutting a Canal around the

Falls, on the Kentucky and Indiana sides of the river; and your committee do not hesitate to say, that the minute and thorough examination made by Judge Bates, (whose character, skill and experience, as an Engineer, entitle his report to the fullest confidence,) presents all the information necessary to a decision on the rival pretensions of Kentucky and Indiana, on this highly important and interesting subject. Yet your committee are not to be understood as expressing any predilection in favor of a Canal on either side of the river, especially when the practicability of constructing a navigable Canal around the Falls, on either side of the river, at an expence which bears no proportion to the magnitude and importance of the work, is placed beyond all doubt; but as Ohio can only contribute to the work, or participate in its advantages, by permission of the States of Kentucky or Indiana; therefore, without attempting to enumerate the advantages which will result to the states bordering on the Ohio from the accomplishment of such a work, a clear and comprehensive view of which has been taken by Mr. Kelly, the Canal Commissioner, and presented in his report, your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of the State of Ohio, That this State feels a lively and deep interest, in the execution of all works of a character which tends to promote internal improvements, or advance the commercial facilities of the community, and believing that a navigable Canal round the Falls of the river Ohio, would be emphatically such a public work, the benefits of which would be evidently diffused, and sensibly felt by the inhabitants of the west, and others whose produce floats upon the waters of that river: Therefore, in order to manifest the sincerity of these feelings and opinions,

Resolved further, That this State, if allowed so to do by the proper authority, will unite in the execution of said work, with one or the other of the States of Kentucky or Indiana, they agreeing to embark in the enterprize, and securing to Ohio an equal participation in the privileges and profits to be derived therefrom, in proportion to the capital to be invested; and if both the States aforesaid, determine to make a Canal, and shall submit propositions on the subject, in accordance with the principles aforesaid, that this State will stand pledged to accept one or the other, as they may be most favorable to her interest.

Resolved, That the Governor be requested to transmit to the Executives of the States of Kentucky and Indiana, copies of the foregoing report and resolutions, together with copies of the reports of the Commissioner and Engineer, Judge Bates, with a request that the same may be laid before their respective Legislatures, at the commencement of their next sessions, and that the result of the deliberations of their respective States on the subject,

be transmitted to the Governor of Ohio, at as early a day as practicable, to be by him communicated to the Legislature of Ohio, at the succeeding session thereof.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

February 25th, 1824.

To the Senate and House of Representatives of the State of Ohio.

I communicate to the General Assembly, in obedience to the directions of the act, entitled, "An act respecting a Canal at the Falls of the river Ohio," the report of the engineer employed under authority of the said act, to examine and survey the routes, and make estimates of the cost of the Canals proposed to be opened, on each side of the river at the falls of Ohio. The map, profiles and plans, furnished by the engineer, are transmitted to one branch of the legislature only—copies of them could not be executed, unless at the expence of a delay, in presenting the subject to the General Assembly, more injurious than the necessity which is imposed of an interchange of these documents between the two houses, for the use of them in each. I transmit also a report made by Alfred Kelly, Esq. who, in the character of an assistant, accompanied the engineer in making the examination. This report will furnish information deemed to be interesting in regard to the advantages of the contemplated improvement. The statements and estimates which it presents, of the quantity of produce exported, the amount of articles of commerce brought in return, and which must in different directions pass the Falls; the losses which are sustained in consequence of the obstruction to the navigation at that place, compared with the estimated costs of removing that obstruction, would appear to place this proposed public improvement, among the objects of unquestionable public interest, decisively entitled to the attention, the patronage and support of a government constituted to promote the public welfare.

The states of Kentucky and Indiana, have each granted a charter to a company for opening a navigable canal within their respective states at the Falls of Ohio. By a reference to the Message of the Executive at the commencement of the 1st session of the 19th General Assembly, and the accompanying documents, it appears that each of those companies made application to this state, for aid in the work they had engaged to execute. To test their rival pretensions and their claims to preference in the aid solicited, urged by both, on the grounds of alleged facility in the execution, and superior advantages to be afforded by the canal

which each had engaged to open, the General Assembly provided for the examination, the result of which is now laid before you.

I transmit a copy of the act of the Commonwealth of Kentucky, "to incorporate the Kentucky Ohio Canal Company." The act of the state of Indiana, incorporating the "Jeffersonville Ohio Canal Company," could not be procured, or a copy thereof would have been also laid before you. The company at Louisville, after a partial subscription to their canal stock, have secured a grant of the lands necessary for the canal, roads, water-works, &c. They have never yet commenced operations for forming the proposed canal. The company at Jeffersonville made some progress in the excavation of the ground on the line of canal on that side of the river, but have discontinued their operations. The Executive is not informed of any measures lately taken by either company, that indicate their intentions, either to abandon the proposed work, or to make renewed efforts for its accomplishment.

Considering the present state of uncertainty, and want of correct information respecting the concerns of those companies, their intentions and future prospects, and entertaining the opinion that the provisions of the charter of the company at Louisville, are in several particulars defective; and that from the present deranged state of the currency in the western country, shares of stock in it, could not be taken with any certainty of equality in making payments, while no standard of value is fixed to regulate these payments, I cannot recommend the adoption of any provision at present, for aid to either company. But as I view the proposed improvement to be an object of primary importance to the interests of a large portion of the citizens of this state, as well as of the adjoining states, and as one, which is certainly practicable of execution, and within the competency of the means which can be employed by those who are interested in carrying it into effect, I consider it as a subject having strong claims to the favorable attention of the General Assembly. The contemplated canals from the Ohio river to lake Erie, and from the Ohio to the Chesapeake, for opening new avenues to commerce at markets in a favorable climate, are projects of improvement, which promise advantages almost incalculable to the western country. They do not however supersede the necessity, or render less beneficial, the improvement of the navigation of the Ohio river. There will still remain, after these improvements shall be executed, an extensive commercial intercourse on the Ohio and Mississippi. The extent of territory, not surpassed for fertility; the variety of climate, and the diversity of productions throughout their course, will ensure on this great natural thoroughfare, an extensive trade, not to be diverted by any means to other channels. Influenced by these considerations it is submitted to the general assembly, the

propriety of authorising a correspondence with the other states most interested in the proposed canals, in order to devise a plan for their eventual execution.

JEREMIAH MORROW.

January 18, 1824.

REPORTS.

Honorable Jeremiah Morrow, Governor of the State of Ohio.

SIR:—Pursuant to your directions, and agreeable to the provisions of an act of the Legislature of the State of Ohio, I proceeded to examine the Falls of Ohio river, in company with Alfred Kelly, Esq. whom you were so kind to associate with me for that purpose, and have the honor to present to you the result of our investigation.

The obstruction which nature has placed across the river, appears like a dam; having its commencement under the Kentucky shore, and extending across the river in a northeasterly direction. The fall occasioned by this dam or rock, is between twenty-seven and twenty-eight feet; but at the time I levelled it, was, from the surface of water above, to the surface of water below the falls, somewhat more than twenty-four feet. This difference is attributable to the state of the water, which was two feet higher at the head, and five feet at the foot of the falls, than extreme low water.

Various methods have been suggested at different times, to improve this rapid; but it appeared to us, that the most efficient mode would be, by a canal and locks; and in consequence, have surveyed and levelled a route on each side, agreeably to the directions of the statute.

In examining and sounding at the head of the falls, we found that the junction of the Beargrass creek with the Ohio, in front of Louisville, was deep water, which continues down the river on that side, about half a mile, forming a natural basin of good depth, unimpeded by rocks or shoals, or any of the substances which usually float down, and deposit themselves along the banks of the river. These circumstances appearing to us favorable, we commenced our survey at the lower end of this basin, and ran our first line on the bank of the river, generally guided by its bendings, to a point on the map and profile marked 15; thence N. 48 degrees West 60 chains to an angle; thence N. 54 1-2 W. 50 chains to the Ohio river, 4 chains and 20 links Eastwardly from Gray's Warehouse and a little below Shippingport. On these courses we took levels, but on a re-examination, we thought it advisable to exclude all that part of the line on the river bank, which appears on the map and profile herewith presented, from station No. 1 to station No.

14, and to adopt in its stead, a line which will start from No. 1 and take its course across a bend of the river, forming a single course with that running from station 15. On this part of the line, which is distinguished by a red line accompanying the black lines, we have thought proper to advise the erection of a mole, of which a plan, No. 4, is presented, and beg permission to submit an estimate of the expence, together with that of the whole expence on the Kentucky side of the river:

Mole 2,805 feet long, 24 and 10, equal to 17 average thick, 34 feet high.

Side timbers, one foot square, 190,740

Cross timbers, 1 do. or 10 inches square, 135,252

325,992 ft. a \$3, 9,779 70

Framing, raising, trenailing and bolting the above, a \$2, 6,519 84

500 iron bolts equal to an inch square, each 5 lbs. is 2,500

lbs. a 8 cents, 200 00

Drilling 500 holes, 8 inches deep a 6 1-4 cents, 31 25

Excavating 23,393 cubic yards, rock (bare) in bed of the river, to form channel of canal, and to be placed in the mole, \$1 per cubic yard, 23,393 00

Guard lock at head of mole, walls 38 feet high, 18 feet average thickness, 44 feet long, 4 walls, each 165,813 perches, all 663,272 perches, a \$2 50, 16,581 89

To be built of hammered stone, except the hollow quoins which should be well cut.

Four platforms, on which to work the balances of the Gates, a \$90 35, 361 40

Additional mole, land side, between the head and tail gates of guard lock, 185 feet long, 1,110 07

Embankment from head of guard lock to high ground, average 20 feet high, 7,500 cubic yards, 15 cents, 1,125 00

Excavation of 417,706 cubic yards of earth, average about 20 feet deep a 28 cents, to be formed into regular bank, river side, above high water, 116,957 68

Excavation of 41,922 cubic yards rock, a \$1 37 1-2, 57,642 75

Do. 3,000 do. at site for lock, (foundation,) a \$1 50, 12,000 00

Three combined locks, walls 660 feet long, 15 feet high, 8 feet average thickness, rise of lock 9.33 feet, stone to be hammer dressed, except hollow quoins, which must be cut, 9,600 perches, a \$3, 28,800 00

Three circular breast walls, 9.33 feet high, 8 feet thick, 34 feet long each, 58,354 perches, a \$3, 1,750 62

Extra walls behind the uppermost 3 gates, 90 feet long, 6 feet thick, 9 feet high, 589 perches, a \$3, 1,767 00

Embankment from head of first lock to high ground 1,400 cubic yards, at 12 1-2 cents,	175 00
	<hr/>
	\$278,195 17
Contingent and incidental, at ten per cent.	27,819 51
	<hr/>
	\$306,014 68

I will remark here, that I consider the price per perch of three dollars, sufficiently high to cover the expence of wood and iron work, necessary for the locks.

Detail.—The advantages which would attach themselves to a canal on this side, are,

1st. The basin at its head, forms a harbor, in which vessels may lay at any stage of water, and through which they may, at all times approach to, and depart from the head of the canal.

2d. The aggregate distance of navigation is shortened.

3d. Hydraulic establishments, such as flouring mills, factories and saw mills, may profitably be erected on its banks, both at head and foot, from which much revenue might be collected.

4th. A dry dock or docks, may grow out of this improvement, which will be eminently conducive to the welfare of navigation, and a very great source of revenue to the canal. It appears to me that every owner of a steam vessel on the Ohio and Mississippi, and I am informed there are about an hundred, would cheerfully pay for the use of a dry dock, in preference to pursuing the present tedious and dangerous method of running his boat aground, shoreing her up on stanchions, digging a pit under her to facilitate his operations, and then undergoing his repairs with the continual fear that a flood may rise (which sometimes happens) which will sweep away his preparations and his boat together.

5th. Some advantage may be derived from the circumstance of this canal terminating in the harbor of Shippingport, where vessels may lay with comparative safety.

Remark.—From the course which the river assumes at the head of the Falls, some part of the drift wood which floats down its current, is drawn between the Kentucky shore and Corn island. This has a tendency to lodge, in a slight degree, along the shore about midway of the mole, and extends considerably below its junction with the land canal. This evil does not appear to be great, and I cannot conjecture that any danger is to be apprehended, as the head of the mole and guard lock, do not stand in its course; though if it did, it presents its end to the attack, while its side is nearly parallel to the stream, and presents no point of concussion.

The excavation of the canal, is every where deep enough to form a bank of sufficient base, and higher than the greatest rise of water. This bank will be presented to a still, smooth current, and be but little liable to abrasion; but should it be subject to waste

by the attrition of the water, it will be effectually protected by the rock which will be excavated and necessarily thrown to the outer side.

Canal on the Jeffersonville side—Indiana.

Guard locks—same as at Louisville, 6,632 72-100 perches, a \$2 50,	\$16,581 80
Pit and foundation (digging) for ditto, intermediate moles, to be sunk to the rock; or if that be not near, at least four feet below the bottom of canal and locks, excavation 2,000 cubic yards, a 12 1-2 cents,	250 00
Foundation of timber, 51,500 feet, 1 foot square, a \$3,	1,545 00
Wall of timber and stone (mole) between the head and tail galls of the guard lock,	1,443 33
Excavation of earth, average 36 feet deep on the first 50 chains, 407,152 cubic yards, a 32 cents,	130,288 64
Do. do. average about 20 feet above rock, 356,682 cubic yards, a 28 cents,	99,870 96
Embankment at head of locks, near the mouth of Cane run, 2,000 cubic yards, a 12 1-2 cents,	250 00
Excavation of rock, 131,997 cubic yards, a \$1 37 1-2,	181,495 87
Do. do. 15,134 at and below site of locks, for foundation, &c. a \$1 50,	22,701 00
Three locks, combined walls, 660 feet, average thickness 3 feet, height 14 feet, rise 8 33-100 feet, with breast and extra walls included,	30,162 68
	<hr/>
	484,589 22
Contingent and incidental,	48,458 92
	<hr/>
	\$533,048 20

Details.

1st. The canal will take its departure from the river on this side, at a place where the general course is nearly straight, forming no embayment; but it is at all times approachable, and easy of access.

2d. The natural surface of ground through which the canal must run the first 50 chains, is nearly as high as the highest rise of floods of the Ohio, and, therefore, entirely safe.

3d. At its termination, it falls into a natural basin, which is said to be a safe one.

4th. It will unite all the advantages of hydraulic establishments and dry docks, which are enumerated on the Kentucky side.

Remark.—An objection, the extent of which it was not in my power to ascertain, arises from the termination of the canal on this side—it being above the termination of the Falls. This might be obviated by extending the line across some ridges and ravines, and making its termination at the mouth of Mill creek, or near it; but

the additional expence would be great. Or it might be obviated by improving the reef at the lower end of the basin, so as to give to it the level of the water at Clarksville, which is the termination of the Falls, and on the same general level as is the water at Shippingport.

Bed of the River.

After having examined the two routes above described, I examined the bed of the river on both sides, in order to ascertain the practicability of improvement thereon. To improve here, we would encounter a cutting of about 165,000 cubic yards of rock, a part of which is at times dry, and a part at all times lower than the surface of the river.

The expence, placing the improvement on either side, would not, probably, differ materially from the following estimate:

Excavation 165,000 cub. yds. (rock) <i>a</i> \$1 37 1-2	\$226,875 00
3 Locks, not combined, 120 feet increase of length of walls,	36,255 14
Moles requiring 60,000 feet of timber <i>a</i> \$5,	3,000 00
Excavation of pits for locks, say 12,000 cub. yds, <i>a</i> \$1 50,	18,000 00

284,130 14

Contingent *a* ten per cent.

28,413 01

\$312,543 15

This method presents no facilities to navigation except at low water, and as an objection to that, it must, from its position, be immersed entirely by the floods, before they have risen to half of their maximum height; in consequence, the improvement would be out of the use or control of its proprietors during the rise, continuance and subsidence of floods, and would be liable to much injury from them when at a certain stage. Further—no hydraulic improvement could be connected with it. Another method of conquering these Falls has been suggested, which is to cut a channel through the rock, with a regular declivity, and leave it for use in that situation.

To this an objection immediately presented itself, viz: The current through this channel would be so forcible, as to preclude the possibility of ascending, or dash in pieces any vessel descending it. And from its velocity, it would become a thin volume of water before it had reached the foot of the falls. The expence probably would not exceed \$200,000.

It will be proper here to remark, that the highest point to which the water was ever known to rise at the head of the Falls, is as shown to us, thirty-six feet, and at the foot sixty feet.

These canals, on either side, will, in all probability, be subject to deposits of alluvial matter, which might, if they were not duly attended to, fill them, and prevent navigation and use.

The remedy is at hand, and easy. At the proper time, open your guard and lock gates, and give the current a free passage through the canal, and all sediment, whether arising from alluvial deposit or accidental slips of bank, will easily, quickly and readily be carried off and no injury be sustained. I beg leave to submit the following plans, which have resulted from this examination.

No. 1. Map of that part of the river affected by the Falls.

No. 2. Profile of the ground along the line surveyed on Louisville side, with diagrams of the Canal.

No. 3. Profile of the ground along the line surveyed on Indiana side.

No. 4. Diagram of mole—100 feet.

No. 5. Plan of a Lock, with the addition of extra walls, necessary to combine it with another Lock immediately above it.

No. 6. Plan of Lock gate.

The canal which I have thought proper to adopt as the basis of the calculations made, is, in earth cutting, 44 feet wide at bottom, 4 feet deep at lowest water, and 56 feet wide at top, in lowest water.

The locks I have believed would be necessary, to be 42 feet wide, 200 feet between gates, 190 feet from gate to breast, clear chamber.

In rock cutting, I have excavated perpendicular, and given the earth above the rock, 4 feet increase of width.

Before closing this report, I would beg leave to remark, that the astonishing amount of business done on the Ohio river, irresistably demands the improvement of this rapid; that the interest of the state of Ohio, and all above the Falls, is intimately concerned in the transaction; and that it would not be difficult to show by computation which would be indisputable, that the business of the country above the Falls, annually pays a tax to this rock, of greater amount than it would cost to make the improvement; and that that tax is increasing with the rapidly growing exports and imports of your country.

I beg leave to acknowledge the very ready assistance which I have received in making these examinations from *Alfred Kelly, Esq. Joseph Gest, Surveyor, and Captain Levi James, master and owner of the Vulcan Steam Boat.*

All of which is respectfully submitted.

DAVID S. BATES, *Civil Engineer.*

January 12, 1824.

His Excellency Jeremiah Morrow, Governor of Ohio.

Having been requested to accompany David S. Bates, Esq. to the Falls of Ohio, for the purpose of assisting in the examination of that obstruction to the navigation of the river, and in devising the most feasible method of overcoming that impediment, and hav-

ing performed that duty, I now beg leave to submit some of the ideas and views which have been suggested by that investigation.

In examining this subject, a number of topics naturally present themselves for consideration. Of these the most prominent are the damage sustained by the country above the Falls in consequence of that obstruction—the necessity of its removal—the practicability of accomplishing this object—the proper means and best method of constructing the proposed work, and its importance in a commercial point of view to an extensive and populous district, and as a source of pecuniary emolument to the states or individuals who may engage in the project.

It may be assumed as a fact, that more damage is annually sustained by the country situated on the Ohio, and its branches above the Falls, in consequence of that obstruction, than the whole amount required to provide a complete and permanent remedy for the evil. The actual expence incurred in the transportation of property round the Falls, forms but a small item in this account. The damage sustained in consequence of the delays occasioned by this obstruction, in conveying to market the surplus products of the upper country, is one of much greater magnitude. The market at New-Orleans is so fluctuating that the delay of a few days often occasions a serious diminution in the price obtained for a cargo of provisions. The climate and situation are such, that the investment of a large surplus capital in that place, applicable to the exigencies of commerce, can never be reasonably expected. The market is therefore liable to be overstocked and a regular demand for a time destroyed. Provisions, if long exposed on their passage down the river, or in the ware-houses at New-Orleans, to the heat and moisture of that climate, are subject to be damaged and consequently diminished in value, and injured in their general reputation in foreign markets.

The obstruction to commerce presented by the Falls of Ohio prevents the surplus produce of the upper country from being sent to New-Orleans when the market in that place is best and the demand greatest. When the Falls can be descended with safety, a vast amount of property is thrown at once into a market, which from the causes before stated, is limited in extent and fluctuating in price. If this obstruction were removed, the upper country would be able to throw into market a more equable supply of its productions, and thus prevent the great depression in price which so frequently occurs. Although the average price of flour in New-Orleans, is 25 or 30 per cent. less than in the sea ports of the Atlantic states; yet it frequently occurs that New-Orleans is supplied with that article for home consumption from those very ports. This serves to illustrate the great inequality of price in that market owing to the instability of the supply.

Much the largest proportion of the surplus productions of the upper country, still descends the Ohio and Mississippi in flat boats, although those rivers are now navigated by a large amount of steam boat tonnage. This is owing in a great measure to the obstruction presented by the Falls to steamboat navigation. This rapid can only be passed by steam boats, especially in ascending, during a small part of each year. Provisions from above the Falls are on an average fifteen days longer in reaching their place of destination, and much more subject to be injured by exposure to the weather and other accidents, when transported in flat boats, than when shipped in steam boats. On this account many persons prefer sending their flour, pork and other provisions to market on board of steam boats, even at the present prices of freight charged by those boats, which on flour is now about one dollar per barrel from Cincinnati to New-Orleans.

Should the proposed canal round the Falls be constructed, the price of freight on this article will immediately be reduced to fifty cents per barrel. This effect would be the result of the more constant employment obtained by those boats, the greater safety and less delay in navigating the river, as well as from the reduction in the actual expence now incurred in passing the Falls and carting the cargo across the portage at that place. Admitting then, that flour, even now, can be transported most advantageously to the owners in steam boats, from the causes before stated; and that 300,000 barrels annually descend the Falls, which estimate is probably below the truth; the sum of 150,000 dollars on the freight of this article alone, would annually be saved to the upper country. But it is believed that the loss sustained by delay, actual loss and damage received by the property, its bad reputation in market, the extra expence of transportation, and the sacrifice necessarily made in an overstocked market, in consequence of the obstruction at the Falls and the method of conveying property which it induces, is altogether equal to one dollar on each barrel of flour. Flour is supposed to constitute about one fourth part of the value of the products of the upper country which annually descend the Falls; and it is certainly reasonable to estimate at least an equal amount of loss on all the other articles, which together form a sum three times as great.

The above estimates will appear the more reasonable, when we take into consideration the following circumstances: About 5,000 flat boats are supposed to descend the Mississippi and to arrive at New-Orleans annually; these boats from their construction can never be used in ascending navigation, and they are therefore usually sold for a medium price, not more than sufficient to pay the wharfage with which they are charged. These boats cost in their construction an average of from 70 to 100 dollars each, and supposing their medium cost to be 80 dollars, that sum is sacrificed

on each boat. Of these boats it is estimated that more than 3,000 annually descend the Falls of Ohio. Calculating the loss on each of these boats at 80 dollars, the total amount of loss sustained by the upper country in this item, will be 240,000 dollars per annum.

A greater number of hands is required to transport property on board of flat boats than would be required in the transportation of the same amount on board of steam boats. These hands are compelled to take passage home in steam boats, and are unemployed during their passage up the river. For this expence and loss of time, they must be remunerated by the wages they receive on their voyage down the river in the flat boats. The damage sustained by property conveyed on board these badly constructed vessels, the loss and risk incurred, and the exposure of health and life, occasioned by this method of transportation, together with the bad appearance and low reputation of provisions, must all be taken into the account in forming an opinion of the relative advantages and disadvantages attending the two methods of conveyance.

Of the practicability of constructing a canal round the Falls of Ohio, no person acquainted with canalling who has viewed the ground, can for a moment doubt. The report of Judge Bates, whose skill, experience and intelligence, entitle him to the fullest confidence, both in regard to the feasibility and expence of the work, must be satisfactory to every one who is willing to rely on the opinion and estimates of an able practical engineer.

From that report, it appears that this great obstruction which nature has placed in the Ohio, may be overcome by incurring an expence far less in amount than would be warranted by the importance of the object, provided that additional expence had been necessary to its attainment.

A particular description of the plan of the proposed work being given in the report of Judge Bates, it will be unnecessary, and might be considered assuming in me, to attempt a detail of that plan, or a statement of its peculiar advantages. It may, however, be proper to remark, that in order to make that work as useful as the facilities offered by nature seem to indicate, and as the demands of a great and growing commerce require, the dimensions of the canal should be such as to admit the passage of the largest class of steam boats, which can be used with advantage in the navigation of the river. Much of the commercial business transacted on the Ohio and Mississippi rivers, has of late years been transferred from flat boats, keels and barges to steam boats, and no doubt can be reasonably entertained, that a still greater change in favor of the latter method of transportation will take place, particularly if the obstruction at the falls be removed. In order to reduce the price of freight as low as the nature of the trade will admit, and

still give to the owners of vessels a reasonable profit, it is necessary that their tonnage should in some measure correspond with the length of the voyage they are required to perform. The distance from any part of the Ohio river above the Falls, to New-Orleans, the natural depot of the surplus productions of the western country, is so great as to require boats of considerable burthen to be used in their navigation. The depth of water on the bars and ripples in the Ohio, both above and below the Falls, is so little in dry seasons, that boats of great draft of water cannot pass them. Their depth being thus limited, their length and breadth is required to be greater in order to obtain the requisite tonnage. This object cannot be accomplished with safety by extending the boat in length alone; for the power exerted by the engine in order to propel the boat against a strong current, is necessarily so great, that a breadth of beam corresponding in the proper ratio with the length of keel, is important in order to give the boat sufficient strength to withstand uninjured, the agitation occasioned by the exertion of the power required.

Gentlemen well acquainted with the navigation of the Ohio and Mississippi rivers, state that about 40 or 41 feet is the greatest breadth necessary for the largest class of steam boats, which can advantageously navigate the Ohio. One or two boats now on those waters are still broader; but it is supposed that their models cannot be profitably copied, and it is therefore unnecessary to adapt the dimensions of the proposed canal to their convenience.

Of the benefit which will result to the country above the Falls, from the construction of the canal, a limited view has already been given, in adverting to the inconveniences and disadvantages which it would obviate. Every saving in the expence of transporting the surplus produce of a country to market, every loss and injury to that property which is prevented, will be so much added to the wealth of that country. To this consideration we may add the blessings resulting from the stimulus which is given to productive industry by increasing its profits, and from calling forth the latent energies of an extensive country, rich in natural and acquired advantages. The means of accomplishing this object, the proper agent to furnish these means to direct and control the work, and its profit in a pecuniary point of view when completed, are subjects which merit particular consideration.

From an estimate of the amount and value of property which will pass through a canal at the Falls of Ohio, and of the revenue which may with propriety be drawn from that source, without discouraging commerce, it must appear evident that the interest on the sum required for its construction, will be paid by the profits of the work immediately after its completion, and that the stock will eventually become more valuable in proportion to its cost, than any in America, or perhaps in the world. It has been satis-

factorily ascertained, that 70,000 tons of property, being the surplus produce of the country bordering on the Ohio and its branches above the Falls for the year 1822, was exported and descended the Falls during the latter part of that year and the early part of 1823. If we suppose that two sevenths of this amount of property is annually transported down the river in steam boats and would pass through the proposed canal, and that it is made to pay a toll of 37 1-2 cents per ton, the sum of 7,500 dollars per annum would be produced from this item. More than 3,000 flat boats annually descend the Falls. Of this number 2,000 pass at a stage of water when prudence requires the employment of pilots to conduct them safely over the rapid. Three dollars for each boat is the customary price demanded by pilots for this service. A steersman and one or two other hands in addition to the ordinary crew of the boat, are frequently required; so that the actual expence of navigating a boat over this obstruction in ordinary stages of water, will average at least four dollars. If then a toll of four dollars is charged for passing each of these boats through the canal, the expence of the two methods of descending the Falls, being nearly equal, safety will decide the question in favor of the canal, and these 2,000 boats will be made to pay a revenue of 8,000 dollars. I have not the means of estimating with certainty the amount of property which, in ascending the river, annually passes the Falls. It is supposed to exceed 10,000 tons: We shall undoubtedly be safe in assuming this as the amount which will pass through the canal in ascending the river, and from which a toll may annually be collected. If 75 cents per ton be charged on this amount, it will yield the sum of 7,500 dollars.

Boats not having on board full freights, would frequently pass through the canal, particularly in ascending the river. To equalize the duties it would, therefore, be proper to assess a reasonable toll on the tonnage of each boat, as well as on the property freighted. The aggregate amount of steam boat tonnage now employed on the Ohio and Mississippi rivers, is ascertained to exceed 15,000 tons. More than one half of this amount would be engaged in the trade of the country above the Falls, if the obstruction to steam boat navigation at that place were removed. This statement will appear the more reasonable, when we consider that more than three fifths of the population of the United States west of the Alleghany Mountains, excepting that part of it bordering on the lakes and the Gulph of Mexico, is contained in the great valley watered by the Ohio above the Falls, and its tributary branches. If we then estimate the steam boat tonnage employed in the trade of this district of country, at 8,000 tons, we certainly shall not exceed the truth. Admitting these boats to make on an average five trips in each year, and that in descending, it will be necessary to pass through the canal three times out of five, and in ascend-

ing, four times out of five; it will be found that the aggregate amount of tonnage descending, will be 24,000 tons, and that ascending 32,000 tons, which will annually pass through the canal, and be subject to pay tolls. Should ten cents per ton on descending boats, and twenty cents per ton on ascending boats be levied, the total sum thus produced will be 8,800 dollars per annum. The carrying of passengers is a source from which the owners of steam boats derive a large portion of their profits. As the removal of the obstruction at the Falls would prevent much delay and expence now incurred by passengers at that place, and enable steam boat owners to draw a greater revenue from this part of their business, it would be reasonable that each boat should pay a moderate toll in passing the canal for every passenger on board. Supposing 2,000 cabin passengers and 4,000 deck passengers to pass the Falls annually in steam boats, by means of the canal, and a toll of one dollar for each cabin passenger, and twenty-five cents for each deck passenger, to be levied, the sum of 3,000 dollars would thus be produced.

The following short summary will show at one view, the revenue annually derivable from the foregoing sources.

Toll levied on 20,000 tons of property descending the river in steam boats, and passing through the canal, at 37 1-2 cents per ton,	\$ 7,500 00
Toll levied on 10,000 tons freight ascending in steam boats and passing through the canal, at 75 cents per ton,	7,500 00
On 2,000 flat boats descending the river and passing through the canal,	8,000 00
On 8,000 tons steam boat tonnage passing through the canal three times in descending the river, equal to 24,000 tons at ten cents per ton,	2,400 00
On same amount steam boat tonnage passing through the canal four times each year in ascending, equal to 32,000 tons at 20 cents per ton,	6,400 00
For 2,000 cabin passengers at \$1 each,	2,000 00
For 4,000 deck passengers at 25 cents each,	1,000 00

Making the aggregate sum of \$34,800 00

Assuming the cost of the proposed canal on the Louisville side of the river, at \$ 312,543 15, agreeably to the estimates of Judge Bates, it will be seen from the foregoing statement, that a net income of ten per centum per annum on the whole sum expended in its construction, will be produced from the above enumerated items, after deducting \$ 3,545 68 1-2 to defray the expence of superintending the work, collecting the tolls and repairing any accidental injuries which may occur.

The data upon which the above calculations are founded, are drawn partly from a circular published by Page and Robbins of Cincinnati, in which are condensed a number of interesting facts collected with much industry; from information derived from intelligent merchants, steam boat owners and captains, and other individuals, both at Cincinnati and at Louisville, and from observations made when at the Falls. The estimates are made up on the business now transacted on the river, which must necessarily increase with great rapidity, particularly if this obstruction to its navigation be removed. The change in the method of transporting produce to market from flat boats to steam boats, which will take place immediately after the construction of the canal, will greatly increase its revenue, as the same property conveyed in the latter, will pay more toll than when transported in the former manner.

The rates of toll above proposed, are considered low by persons acquainted with the commercial business transacted on the Ohio and Mississippi rivers; they are much lower than those fixed by the legislature of Kentucky, in the chartered grant made by that state for the construction of a canal at the Falls of Ohio in the year 1818. All the statements relative to the amount of business, from which the revenue is proposed to be drawn, are believed to be below the truth.

In addition to the toll arising from the passage of boats through the canal, a considerable revenue may be derived from the water power which would be obtained by its construction. Water power sufficient to keep in operation sixty pairs of mill stones, or the same amount of power for other hydraulic works, may be used without causing a current in the canal even at the lowest stage of water, which will impede materially its navigation. Should this water power be rented even at a low rate, it would produce annually a large sum. All this power will not at first be put in requisition. The time, however, is not far distant, when the exigencies of the country and the inducements offered by mechanical operations, will require the whole of this power, and even a greater amount, which may easily be obtained, by increasing either the breadth or depth of the canal.

The facilities created by the canal, if completed on the proposed plan, for the construction of dry docks, are among its most prominent advantages. There are at this time near one hundred steam boats on the Ohio and Mississippi rivers, most of which need partial repairs every year, and extensive repairs once in four or five years. In order to repair these boats, it is now necessary to run them on the shore, or on some bar, when the water is up, and there to await a fall of the river, which will permit the carpenter to commence his work. The expence of removing the ground from underneath the boat, and of securing the boat by means of blocks

and shores, in its position, is also considerable. When the side or bottom of the boat is open for repairing, a sudden and unexpected rise of water may occasion its total destruction. The *Car of Commerce*, a valuable steam boat, was lately lost in this manner on the bar near the foot of the Falls. After encountering all these delays, dangers and expences, the boat is frequently detained on the bar one, two or three months after the repairs are completed, for the want of sufficient water to float her from her position. All these evils may be effectually remedied by the construction of dry docks.

A number of basins of the requisite dimensions, may be formed contiguous to each other, adjoining the canal near its lower termination, and communicating with it by lock gates of the usual construction; by means of a culvert passing under the whole line of basins parallel with the canal, and communicating with each through a small gate, the water may be drawn off from either of these basins, without interfering with the others, and discharged into the river below. Five of these basins might probably be constructed for an expence not exceeding 50,000 dollars, and their number may be increased if business should require. Admitting that fifty steam boats would annually enter these docks for repairs, which would not require a time exceeding one week in the completion, for which each boat should be charged one hundred dollars, and that twenty boats would annually need repairs, requiring them to occupy one of these basins five weeks each, for which fifty dollars per week should be demanded, those docks would produce annually ten thousand dollars, equal to 20 per cent on their cost. These prices or even much higher, the owners of steam boats would gladly pay, and would still be great gainers by the arrangement.

If the estimates made by Judge Bates, of the expence of constructing the proposed canal, be correct, and if the above calculation of its profits, founded on principles sanctioned by truth, of which I think no reasonable doubt can be entertained, the conclusion irresistably follows, that the profits of the stock will at first more than pay the usual rate of interest on its cost, and will continue to increase with the increasing commerce of a great and growing country. By whom then, shall this important work be undertaken? By whom shall it be controlled when finished? If the true policy of the states most deeply interested in the project, be consulted, the answer to this question cannot be doubtful. Kentucky and Ohio will receive the greatest benefit from the proposed canal. To three fourths of the population of Ohio, which now contains above 700,000 inhabitants, and to three fifths of the population of Kentucky, which probably contains 600,000, it is a work of immense importance. These states ought, therefore, to have the control of the canal, in which case its tolls can be so regula-

ted, and the work so managed as best to subserve the true interests of the states, and of the individuals of which they are composed.

If the legislatures of these states have not at present within their control, the disposable funds required for the construction of the canal, they can unquestionably obtain the necessary amount on loans at a moderate rate of interest, by pledging the faith of the states and the profits of the canal, for the regular payment of the interest and the eventual redemption of the principal. To give these pledges, even the most scrupulous cannot hesitate when convinced that they may be redeemed solely from the profits of the work within a few years; thus leaving to the states a large amount of productive stock, which will not have cost them a single cent; and which may be made to constitute a permanent and productive fund, applicable to the support of literature, the advancement of internal improvements, or any other great and valuable object.

The stocks of the numerous canals in England, many of which serve but to facilitate neighborhood intercourse, are now worth on an average more than 600 per cent. on their cost; some pay more than 100 per cent. per annum, on the amount expended in their construction. What then may be expected from a canal, which is required to be less than two miles in length, encountering no serious difficulties, in order to remove the only important obstruction, in a natural channel of commerce, of more than 2,000 miles in length, affording an easy conveyance for the surplus productions of a country capable of supporting a population greater than that of the United Kingdom of Great Britain and Ireland? Shall these important advantages, shall a source of revenue so great be disregarded, or put into the hands of a company of individuals who seek only private emolument? Shall this powerful engine be entrusted to those who may be dead to all the feelings of patriotism, or even hostile to the public welfare? No man who is capable of discovering the true interests of the state, or who regards its honor and prosperity, can for a moment assent to propositions so inconsistent with the public good.

I would respectfully suggest that the two states of Kentucky and Ohio, should become jointly interested in constructing the proposed canal; that the prosecution of the work and the regulation of the tolls, should be entrusted to one or more agents or commissioners to be appointed by each state; that neither state should increase or reduce the rates of toll, without the consent of the other.

From the legislature of Kentucky, a liberal charter for the purpose may undoubtedly be expected. Many of the principal citizens of that state, are anxious for the accomplishment of the object, and will gladly lend to the project their exertions and influence.

It remains for the general assembly of Ohio, to consult the true interests of her citizens, and the welfare and dignity of the state, by uniting in an undertaking which public sentiment demands, and a due regard to the prosperity of a great and growing republic imperiously requires. In their intelligence and patriotism, we may with confidence rely.

I have the honor to be, sir, with respect,

Your humble servant,

ALFRED KELLEY, *Acting Com'r.*

Of the Lake Erie and Ohio Canal.

Columbus, Jan. 14, 1824.

Whereupon said message and the documents therewith transmitted, were referred to the committee on so much of the Governor's message as relates to internal improvements.

Mr. Wickliff, from the select committee raised for that purpose, reported a bill to change the time for the annual meeting of the General Assembly; which passed to a second reading.

Mr. Dudley, from the select committee raised for that purpose, reported a bill for the benefit of Abraham Wood and others; which passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings thereof, were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the same to the House of Representatives, for their concurrence.

When Mr. Howard, who voted in the majority upon the passage of said bill, moved a re-consideration of the vote by which the same was passed; whereupon the vote was re-considered, and the bill, for the present, laid on the table.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Prince.

Mr. Speaker—The House of Representatives have received official information that the Governor did on yesterday approve and sign enrolled bills which originated in that house, of the following titles: An act to alter the time of holding the Jefferson county courts; an act appointing a commissioner of the road from Mountsterling to the Virginia line, by the way of Prestonsburg, and to instruct the commissioner in relation to the same; an act appropriating money for the use of the Penitentiary.

2. By Mr. Shepherd.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act declaring Kennikennick navigable to the mouth of Laurel Fork," in which they request the concurrence of the Senate.

3. By Mr. J. G. Hardin.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Marfreesborough," in which they request the concurrence of the Senate.

4. By Mr. Samuel.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act further to regulate the valuation of taxable property in this Commonwealth," in which they request the concurrence of the Senate.

5. By Mr. Miller.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Archibald A. Strange, of Adair county," in which they request the concurrence of the Senate.

6. By Mr. Coleman.

Mr. Speaker—The House of Representatives concur in amendments which were made in the Senate, to a bill entitled "an act to change the venue in the case of Isaac B. Desha," with amendments thereto, in which they request the concurrence of the Senate.

Whereupon said amendments were twice read and concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

7. By Mr. W. Patterson.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act authorising the appointment of additional Justices of the Peace in certain counties in this Commonwealth," in which they request the concurrence of the Senate.

8. By Mr. Willis.

Mr. Speaker—The House of Representatives concur in amendments which were made in the Senate, to a bill which originated in the House of Representatives, entitled "an act to allow additional Justices of the Peace in certain counties in this Commonwealth." They also concur in amendments made in the Senate, to a bill which originated in that house, entitled "an act to regulate the debt due the Commonwealth for the sale of lands acquired by the treaty of Tellico," with amendments, in which they request the concurrence of the Senate.

9. By Mr. J. G. Hardin.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Henry P. Maxey, late deputy sheriff of Monroe county," in which they request the concurrence of the Senate.

Mr. Flournoy, from the select committee to which was referred a bill concerning ferries, reported the same without amendment.

and on motion of Mr. T. Ward, said bill was laid on the table for the present.

Mr. Hughes, from the select committee to which was referred a bill concerning Attorneys at Law, reported the same with amendments, which being twice read, were concurred in.

Mr. Dudley moved to lay said bill and amendments on the table until the 10th of June next; and the question being taken thereon, it was decided in the affirmative.

Mr. Stephens, from the select committee raised for that purpose, reported a bill to regulate the town of Stephensport, and to vest the title of the land set apart for said town, in certain trustees, and for other purposes; which passed to a second reading, when the rule, constitutional provision and further readings of said bill were dispensed with, and it was

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Stephens carry the same to the House of Representatives, for their concurrence.

Mr. Beauchamp, from the select committee to which was referred a bill to authorise the county courts of Barren, Allen and Nelson to appropriate certain fines and forfeitures, reported the same with an amendment, which was twice read and concurred in, and on motion, the bill was ordered to lie on the table for the present.

On motion of Mr. Wickliff, a bill from the House of Representatives, entitled "an act to authorise the insertion of certain advertisements in the Western Herald and Farmer's Register," was taken up and passed to a second reading; when, the rule and further readings thereof being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliff inform the House of Representatives thereof.

On motion of Mr. Lyon, a bill from the House of Representatives, entitled "an act to establish the county of M'Cracken," was taken up and passed to a second reading; and the rule, constitutional provision and second reading thereof being dispensed with, the same was referred to a select committee of Messrs. Lyon, Ewing and Bowman, for amendment.

An engrossed bill entitled "an act to change the time for electing members of Congress," was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 20, nays 14.

The yeas and nays being required thereon by Messrs. Lockett and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Crutcher, Daniel, Davidson, Dud-

ley, Ewing, Faulkner, Hickman, Hughes, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Ballinger, Beaty, Bowman, Carneal, Dawson, Flournoy, Howard, Lockett, Lyon, Mayo, J. Ward, White and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. Hughes carry the same to the House of Representatives, for their concurrence.

A bill to amend the champerty and maintenance law, and to authorise the sale and conveyance of land in certain cases, was read a second time; and, on motion, referred to a select committee of Messrs. Carneal, Ewing, Beauchamp and Flournoy, for amendment.

On motion, Mr. Hickman was excused from serving on the committee appointed to examine the Auditor's office, and Mr. Stephens was appointed in his place.

Mr. Lyon, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to establish the county of McCracken," reported the same with an amendment; but previous to any vote being taken thereon,

The Senate adjourned.

THURSDAY, DECEMBER 2, 1824.

The Senate assembled.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Davis.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the Centre College," in which they request the concurrence of the Senate.

2. By Mr. Thruston.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the State Hospital at Louisville," in which they request the concurrence of the Senate.

3. By Mr. B. Hardin.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to change the place of taking the votes in the Bloomfield precinct in Nelson county," in which they request the concurrence of the Senate.

4. By Mr. G. I. Brown.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the widow and heirs of Jacob Keller, deceased," in which they request the concurrence of the Senate.

Mr. Lyon presented the petition of George Marshall, praying to be divorced from his wife; which was referred to the committee on religion.

Also, the petition of sundry citizens residing west of the Tennessee river, praying the erection of a new Judicial District, &c.; which was referred to the committee for courts of justice.

Mr. Beauchamp, from the committee raised for that purpose, reported a bill to repeal the law establishing the Court of Appeals, and to re-organize that court; which passed to a second reading.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

Mr. Beaty, from the select committee raised for that purpose, reported a bill for the benefit of Jesse Walker and others, which passed to a second reading; whereupon the rule, constitutional provision, and second and third readings thereof, being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty carry said bill to the House of Representatives, and request their concurrence.

Mr. Forsythe, from the select committee raised for that purpose, reported a bill to regulate certain officers' fees; which passed to a second reading.

Mr. Dudley moved to take up a bill which on yesterday was laid on the table, entitled "an act for the benefit of Abraham Wood and others;" which was thereupon taken up, and on motion of Mr. Beauchamp, referred to a select committee of Messrs. Beauchamp, Hickman, Carneal and Davidson, for amendment.

Mr. J. Allen read and laid on the table a joint resolution concerning the Penitentiary; whereupon the rule was dispensed with, and said resolution was taken up, twice read and concurred in, as follows, to wit:

Whereas it is believed that at this time no radical change in the penal code of this Commonwealth can be effected, so as to abolish the Penitentiary establishment altogether; and this General Assembly feeling a strong conviction, that there does exist some internal mismanagement in the said institution, which ought to be speedily corrected: Therefore,

Be it resolved, That a joint committee of two from the Senate and four from the House of Representatives, be appointed to receive propositions from individuals, who are willing to take upon themselves the management and support of the Penitentiary institution, particularly to investigate the merits of Scott's and Hensley's propositions already made, and report to the General Assembly the advantages and disadvantages of each, as also the advantages and disadvantages of any other proposition which may be made, and that said committee report what in their opinion

would be the best policy in relation to said institution, by bill or otherwise.

Ordered, That Mr. J. Allen carry the same to the House of Representatives, for their concurrence.

Mr. Lockett, from the select committee raised for that purpose, reported a bill for the benefit of James Rouse; which being read the first time, and the rule, constitutional provision, and second and third readings thereof being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lockett carry the same to the House of Representatives, and request their concurrence.

Mr. White, from the select committee raised for that purpose, reported a bill to amend the law concerning the manner of authenticating foreign deeds and other instruments of writing; which passed to a second reading.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

The Senate then proceeded to a consideration of the orders of the day.

A bill from the House of Representatives, to establish the county of McCracken, was taken up, the amendment proposed by the select committee being under consideration; whereupon, said amendment being twice read was concurred in, and the bill was ordered to be read a third time as amended, which being done,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon carry said bill to the House of Representatives, and request their concurrence in said amendment.

The following bills were read a second time, to wit: 1. A bill to amend the Militia Law; 2. a bill to amend the law concerning Frauds; 3. a bill for the benefit of the Augusta College; 4. a bill to change the place of holding the courts for Meade county; 5. a bill to authorise the giving of judgment bonds and notes; 6. a bill to authorise the opening a state road from Huffman's Ferry on the Ohio river, to Bowlinggreen in Warren county; 7. a bill concerning theatrical performances; 8. a bill for the benefit of the widow and heirs of James Shockley, deceased; 9. a bill to authorise Charles Mullens and Macajah Vanwinkle to erect a gate on a public road passing through their farms; 10. a bill to authorise John Bartlett and his associates, to build a bridge over main Elk-horn, in Franklin county; 11. a bill from the House of Representatives, entitled "an act to provide for the disposition of the estate of William Moore, deceased;" 12. a bill from the House of Representatives, entitled "an act to authorise the county court of Washington county to appoint one additional constable, and for other purposes."

The first was referred to a select committee of Messrs. Davidson, Hughes, Wickliff, White and Faulkner, for amendment.

The second was referred to a committee of the whole house on the state of the Commonwealth.

The third was referred to a select committee of Messrs. Carneal, Hughes, Barrett, Faulkner, J. Ward, Davidson, Ewing, P. N. O'Bannon and Maccoun, for amendment.

The 4th, 8th, 9th and 12th, the ^{rule} constitutional provision, and third reading thereof, being dispensed with, and the 12th being amended.

Resolved, That said bills do pass, and that their titles respectively be as aforesaid.

Ordered, That Mr. Crutcher carry the 4th, M. Davidson the 8th, Mr. Beaty the 9th, and Mr. Ewing the 12th, to the House of Representatives, and request their concurrence in said bills and amendments.

The fifth was referred to a select committee of Messrs. Crutcher, Beauchamp, Lockett, Dudley, Flournoy and Wickliff, for amendment.

The sixth was postponed until the first day of June next.

The seventh was ordered to be engrossed and read a third time on to-morrow.

The tenth was referred to a select committee of Messrs. Dudley, Smith and Flournoy.

And the eleventh to a select committee of Messrs. Thomson Ward, Mayo and William B. O'Bannon.

And then the Senate adjourned.

FRIDAY, DECEMBER 3, 1824.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have, according to order, had under consideration sundry subjects to them referred, and have come to the following resolutions thereupon, to wit:

1. *Resolved*, That the petition of the widow and heirs of Levall Dickerson, praying the passage of a law to authorize a sale of the estate of said decedent, *is reasonable*.

2. *Resolved*, That the petition of William L. Sands and Samuel H. Curd, administrators of William Baker, deceased, praying that a law may pass to authorize a sale of part of said decedent's real estate, *be rejected*.

3. *Resolved*, That the petition of William B. Duncan, sheriff of Hickman county, praying compensation for guarding a criminal, *is reasonable*.

4. *Resolved*, That the petition of the administrators of Andrew Snider, deceased, praying that a law may pass, authorizing a sale of the real estate of said decedent, *is reasonable*.

5. *Resolved*, That the petition of the guardian of Michael Glave's heirs, and of his administrator, praying that a law may pass authorizing a sale of the real estate of said decedent, *is reasonable*.

6. *Resolved*, That the petition of the citizens west of Tennessee river, praying for the establishment of a new judicial district, *is reasonable*.

And the second resolution being amended by striking out the words "*be rejected*," and inserting the words "*is reasonable*," was concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said resolutions.

Mr. Lyon, from the joint committee of enrolments, reported that the said committee had examined enrolled bills of the following titles: An act authorizing the insertion of certain advertisements in the Western Herald and Farmers' Register; an act to allow additional justices of the peace in certain counties of this Commonwealth; and had found the same truly enrolled.

Ordered, That Mr. Lyon carry said bills to the House of Representatives, for the signature of their Speaker.

Mr. C. H. Allen, from the committee for courts of justice, to whom was referred, a bill from the House of Representatives entitled "an act for the benefit of Benjamin Craig," reported the same without amendment.

Ordered, That the said bill be read a third time to-morrow.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed enrolled bills of the following titles, to wit: An act to allow additional justices of the peace in certain counties of this Commonwealth; an act to authorize the insertion of certain advertisements in the Western Herald and Farmers' Register.

Whereupon the Speaker of the Senate affixed his signature thereto.

Ordered, That the said committee lay the same before the Governor, for his approbation.

Mr. C. H. Allen, from the committee of courts of justice, reported a bill for the benefit of William B. Duncan, late sheriff of Hickman county, which was read the first, and ordered to be read a second time; whereupon, the rule, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon inform the House of Representatives thereof, and request their concurrence.

Bills of the following titles were reported from the select committees to whom the same had been referred, to wit: By Mr. Beauchamp—1. a bill for the benefit of Abraham Wood and others. By Mr. Dudley—2. a bill to authorize John Bartlett and his associates to build a bridge over main Elkhorn, in Franklin county; with amendments to each, which were severally read and concurred in.

Ordered, That the said bills be engrossed and read a third time to-morrow.

And thereupon the rule, constitutional provision and third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the same to the House of Representatives, and request their concurrence.

Bills of the following titles, were reported by the committees appointed to prepare and bring in the same: By Mr. Bowman, 1, a bill to amend the law concerning pedlars; by Mr. Davidson, 2, a bill to amend an act entitled, an act to amend the law for the recovery of debts before a justice of the peace, approved Feb. 1st, 1809; which were severally read the first, and ordered to be read a second time; whereupon the rule, constitutional provision and second reading of said bills being dispensed with, the first was committed to a select committee of Messrs. Howard, Bowman and Maccoun, and the second to the committee for courts of justice.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Bowman—1. A bill to appropriate the lands within this Commonwealth, which have reverted or been forfeited to the state.

On motion of Mr. T. Ward—2. A bill to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy.

Messrs. Bowman, C. Allan, Flournoy and Ewing, were appointed to prepare and bring in the first, and Messrs. T. Ward, Mayo and W. B. O'Bannon, the second.

Mr. Yancey, from the joint committee of enrolments, reported that said committee had laid before the Governor, for his approbation, the bills last signed by the Speaker of this House.

Messrs. Howard, C. Allan, Ewing and T. Ward, were appointed a committee on the part of the Senate, to examine the Bank of Kentucky.

Ordered, That the Secretary have leave of absence until Monday next.

Mr. Dudley, from the committee to whom was referred a resolution from the House of Representatives, providing for the cancelling by burning of the paper of the Bank of the Commonwealth,

reported the same with an amendment; which was read and referred to a committee of the whole on the state of the Commonwealth.

Ordered, That the public printers forthwith print 150 copies of said resolution and amendment for the use of the Senate.

The Senate then proceeded to the consideration of the orders of the day.

A bill concerning theatrical performances, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ewing carry said bill to the House of Representatives, and request their concurrence.

Bills of the following titles were read a second time, and ordered to be engrossed and read a third time, to wit: 1. A bill regulating certain officers' fees; 2. a bill for the benefit of William Myers.

And thereupon the rule of the house, constitutional provision and third reading of the second bill being dispensed with; and the same having been engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Ordered, That the public printers forthwith print 150 copies of the first bill, for the use of the Senate.

A bill to amend the charter of the Shelbyville and Louisville Turnpike Road Company, was read the second time, and committed to a select committee of Messrs. White, Denny, C. H. Allen and Flournoy.

A message from the House of Representatives, by Mr. H. C. Payne:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Ellen Blackmore," in which they request the concurrence of the Senate.

Bills from the House of Representatives, of the following titles, were severally read the first time, and ordered to be read the second time, to wit: 1. An act to legalize the proceedings of the Woodford county court, and to change the time of holding the March, June and September terms thereof; 2. an act to allow Lawrence county two Justices of the Peace in addition to the number now allowed by law; 3. an act to authorise the county court of Morgan to lay an additional levy; 4. an act to alter the time of holding the November term of the Owen circuit court, and for other purposes; 5. an act to erect election precincts in certain counties in this Commonwealth; 6. an act to allow the Justices of the Peace of Morgan county, each, a copy of the Digest of the

Laws; 7. an act for the benefit of Marcus Huling and others; 8. an act to amend the law concerning the solemnization of marriages; 9. an act to provide for the running and marking the county line between the counties of Owen and Grant; 10. an act to add a part of the county of Caldwell to the county of Trigg; 11. an act for the benefit of Henry Miller and Peter Anderson; 12. an act for the benefit of James F. Nall; 13. an act to authorise the county court of Pike to lay an additional levy; 14. an act for the benefit of Henry P. Maxey, late deputy sheriff of Monroe county; 15. an act declaring Kennikennick navigable to the mouth of Laurel Fork; 16. an act further to provide for the opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough; 17. an act further to regulate the valuation of taxable property in this Commonwealth; 18. an act for the benefit of Archelaus A. Strange, of Adair county; 19. an act authorising additional Justices of the Peace in certain counties in this Commonwealth; 20. an act for the benefit of the State Hospital at Louisville; 21. an act for the benefit of Centre College; 22. an act to change the place of taking the votes in the Bloomfield precinct in Nelson county; 23. an act for the benefit of the widow and heirs of Jacob Keller, deceased; 24. an act for the benefit of Ellen Blackmore.

And thereupon the rule of the house, constitutional provision and second and third readings of the 1st, 3d, 9th, 11th, 12th, 13th, 14th and 18th bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be, respectively, as aforesaid.

Ordered, That Mr. Muldrow carry the first, Mr. Mayo the third and 13th, Mr. Dudley the 9th, Mr. Dawson the 11th and 18th, Mr. Wickliff the 12th, and Mr. Yancey the 14th, to the House of Representatives, and request their concurrence.

The fourth was committed to a select committee of Messrs. Mayo, T. Ward and Dudley; the fifth, to Messrs. Ballinger, Howard, Crutcher and Davidson; the sixth, to Messrs. Lyon, Howard, T. Ward and Crutcher; the seventh, to Messrs. Beaty, Ballinger and Selby; and the 22d, to Messrs. Stephens, Crutcher and Wickliff.

The second reading of the 8th, 15th, 16th and 17th bills having been dispensed with,

Ordered, That said bills be read a third time on to-morrow.

The Senate proceeded to the consideration of the amendments made by the House of Representatives, to the amendments made by the Senate, to a bill from the House of Representatives, entitled "an act further to regulate the debt due to the Commonwealth for the sale of vacant land acquired by the treaty of Tellico;" when, on motion, said amendments were committed to a select committee of Messrs. Bowman, Dawson, Ewing, Beaty, Yancey and Beauchamp.

A bill to authorise Jesse Kennedy to raise by lottery a certain sum of money, was read a second time and amended at the Clerk's table, as follows, to wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for Gervas E. Russell, Richard Taylor, Littleberry Batchelor and Jesse Kennedy, or any three of them, to raise by way of lottery, in one or more classes, any sum not exceeding two thousand dollars, to be appropriated in sinking a salt well in the county of Henry, for the use and benefit of said Kennedy, and to be applied by him to the purposes aforesaid; and the aforesaid Gervas E. Russell, Richard Taylor, Littleberry Batchelor, and Jesse Kennedy, or such of them as may choose to act, shall, before they enter upon the duties of their office, in the county court of Franklin, enter into bond with good security, to be approved of by said court, in the penal sum of ten thousand dollars, which bond shall be given to the Commonwealth of Kentucky, and conditioned for the faithful discharge of the duties enjoined upon them by this act, which bond may from time to time be sued on in the name of the Commonwealth of Kentucky, for the benefit of any person or persons injured by any breach of said bond; and it shall be the duty of said managers, within ninety days after the completion of the drawing of said lottery, to pay to the fortunate person or persons, or to his, her or their order, all such prize or prizes that may be due agreeably to the scheme which they may agree on and publish: *Provided, however*, that such scheme shall reserve not more than twenty per cent. Said managers shall have the right to appoint a Clerk or Clerks, and any other officers necessary to conduct said lottery, all of whom shall, before they enter upon the duties of their offices, take an oath before some justice of the peace, faithfully and honestly to discharge the several duties of their offices.

Sec. 2. *Be it further enacted*, That the said managers shall report from time to time, the progress they may have made in said business, and shall within ninety days after the completion of said drawing, or of any class, appropriate such sums as may be raised for the use and for the purpose of sinking said well.

Sec. 3. *And be it further enacted*, That said drawing shall be conducted in the presence of two justices of the peace.

Mr. Crutcher moved to lay said bill on the table until the 10th day of June; and the question being taken thereon, it was decided in the affirmative—Yeas 21, nays 16.

The yeas and nays being required thereon by Messrs. Daniel and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Bowman, Crutcher, Davidson, Dawson, Denny, Dudley, Flournoy, Hickman, Howard, Hughes, Lockett, Maccoun, Mayo, Muldrow, P. N. O'Bannon, Smith, Stephens, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Barrett, Beaty, Beauchamp, Carneal, Daniel, Ewing, Forsythe, Lyon, W. B. O'Bannon, Selby, J. Ward, T. Ward, White and Worthington.

A resolution from the House of Representatives, appointing joint committees to examine the reports made by the Bank of the Commonwealth and branches, was taken up, read and adopted.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Spalding:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to establish the town of Pikeville in the county of Pike," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information, that the Governor did on this day approve and sign enrolled bills, which originated in that house, of the following titles, to wit: 1. An act authorising the insertion of certain advertisements in the Western Herald and Farmer's Register; 2. an act to allow additional justices of the peace in certain counties of this Commonwealth.

Mr. C. Allan read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 24th instant, they will adjourn without day.

A message from the House of Representatives, by Mr. Garth:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to appropriate fines and forfeitures," in which they request the concurrence of the Senate.

And then the Senate adjourned.

SATURDAY, DECEMBER 4, 1824.

The Senate assembled.

Mr. J. Allen presented the petition of Daniel Kessler, praying for the passage of a law to authorise a loan to him of a sum of money from the Bank of the Commonwealth, to enable him to erect a manufactory of wool; which was read as follows, to wit:

To the honorable Senate and House of Representatives of the State Legislature of Kentucky, the humble petition of Daniel Kessler, of Green County, comes greeting:

Whereas your petitioner, having been bred a mechanic, of humble, but honest parentage; and also, your petitioner having a large

family to provide for, and has not been as successful in life as might be supposed, for an honest, industrious mechanic to be, which puts it out of his power to be as useful to society as he could wish; and being fully satisfied that if your humble petitioner could have, what in the eyes of your honorable body might appear a small sum of money, loaned him from the Bank of the Commonwealth of Kentucky, say \$1,200, it would enable your petitioner to erect and put into operation a machine for the purpose of carding wool, and upon a plan more advantageous to the manufacturer and those wanting the article manufactured. Your petitioner acknowledges his own diffidence; but at the request of a number of gentlemen who wish your petitioner to embark in the business, he has been induced to make this appeal to your known generosity; and from the success of former petitioners, and with what promptness former Legislatures have patronized useful institutions, and lent every aid to encourage our own domestic manufactures, as yet in their infancy; and it is well known to your respected body, that if we manufacture our own clothing for family use, it will be a great saving to the State, in actual cash, and prevent the balance of trade being against us, as is the case at present. The names of the gentlemen who advised your humble petitioner to make this request, are hereto subscribed. Those gentlemen not having the funds, and not being able at this juncture to command the sum necessary to put it in operation in time to meet the ensuing crop of wool, but viewing the undertaking as laudable and beneficial to a number of the good citizens of this Commonwealth, are willing to endorse for your petitioner, or be jointly bound with him; though your petitioner would not wish to be bound to bank rules, but to pay the sum borrowed, to the bank, in three annual instalments, with legal interest from the date of receiving the money; that is to say, the first instalment on the first day of December 1826, and so on until the money is paid. And if the above request of your humble petitioner should meet with your approbation, he will, as in duty bound, ever pray, &c.

(Signed) DANIEL KESSLER.

Also, signed by John Sandidge, Thomas Whitlock, C. Gowder, John O. Martin and Robert R. Price.

Mr. Carneal moved to lay said petition on the table, and the question being taken thereon, it was decided in the affirmative—Yeas 21, nays 13.

The yeas and nays being required thereon by Messrs. Carneal and Howard, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Barrett, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Dudley, Flournoy, Hickman, Howard, Lockett, Lyon, Muldrow, W. B. O'Bannon, Smith, J. Ward, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. J. Allen, Ballinger, Beaty, Beauchamp, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, Selby, T. Ward and Yancey.

Mr. Barrett presented the petition of sundry citizens of Nicholas county, praying to be added to the county of Harrison; which was read and referred to the committee of propositions and grievances.

Mr. Hughes presented the petition of Ann Hall, praying for a divorce; which was read and referred to the committee of religion.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Yancey, from the joint committee of enrolments, reported that said committee had examined an enrolled bill entitled "an act to change the venue in the case of Isaac B. Desha," and had found the same truly enrolled; and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to said committee, to be laid before the Governor, for his approbation and signature; and after some time, Mr. Yancey reported that said committee had performed that duty.

Mr. Ewing, from the committee of propositions and grievances, reported a bill to fix the seat of justice of Meade county; which was read the first, and ordered to be read a second time.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration petitions to them referred, praying for the formation of a new county, out of the counties of Adair, Cumberland and Wayne, and have come to the following resolution thereupon, to wit:

Resolved, That said petitions are reasonable.

Which was read, and the resolution therein adopted.

Mr. T. Ward, from the select committee to whom was referred a bill from the House of Representatives, entitled "an act to provide for the disposition of the estate of William Moore, deceased," reported the same without amendment; whereupon the said bill was read the third time, and the question being taken on the passage thereof, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid—Yeas 21, nays 12.

The yeas and nays being required thereon by Messrs. Flournoy and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beauchamp, Bowman, Daniel, Davidson, Denny, Dudley,

Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Selby, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Beaty, Carneal, Crutcher, Dawson, Flournoy, Hickman, Howard, Lockett, P. N. O'Bannon, J. Ward and Wickliff.

Ordered, That Mr. T. Ward inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Miller:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of James Gilpin," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Shortridge.

Mr. Speaker—The House of Representatives have passed a bill, entitled "an act for the divorce of Elisha M'Cormas from his wife Rispha M'Cormas," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information, that the Governor did on this day, approve and sign an enrolled bill, which originated in that house, of the following title: "An act to change the venue in the case of Isaac B. De-sha."

A message from the House of Representatives, by Mr. J. G. Hardin:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Doshy Barlow," in which they request the concurrence of the Senate.

Bills from the House of Representatives were reported by the select committees to whom the same had been referred, of the following titles, to wit: By Mr. Mayo, 1. an act to alter the time of holding the November term of the Owen Circuit Court, and for other purposes; by Mr. Wickliff, 2. an act to change the place of taking the votes in the Bloomfield precinct in Nelson county; with amendments to each, which being read, were severally concurred in; and thereupon the rule of the house, constitutional provision, and third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the title of the first be as aforesaid, and the latter amended by adding the words, "and for other purposes."

Ordered, That Mr. Dudley carry the first, and Mr. Wickliff the latter, to the House of Representatives, and request their concurrence in said amendments.

And then the Senate adjourned.

MONDAY, DECEMBER 6, 1824.

The Senate assembled.

Mr. Lyon presented a petition for the division of Caldwell county; also a remonstrance against said petition; which were referred to the committee of propositions and grievances.

Mr. C. Allan, from the committee for courts of justice, reported a bill to establish the 16th Judicial District, and for other purposes; which passed to a second reading.

Mr. Howard, from the select committee to which was referred a bill to amend the law concerning pedlars, reported the same with two amendments, which being twice read, the first was withdrawn and the second was rejected.

Whereupon Mr. Beauchamp moved to commit said bill to a select committee, which was decided in the negative, and it was ordered that the same be engrossed and read a third time on to-morrow.

Mr. Hughes, from the select committee to which was referred so much of the Governor's message as relates to the decisions of the Supreme Court of the United States, &c. made the following report, to wit:

THE committee to whom was referred so much of the Governor's message as relates to the decision of the Supreme Court against the validity of the Occupying Claimant Laws of this State, and to the jurisdiction of the Federal Courts, have had the same under consideration, and herewith report the following preambles and resolutions, which they recommend to be adopted, viz.

The General Assembly, at its last session, remonstrated to the Congress of the United States, against the principles attempted to be established by a minority of the Supreme Court, in the case of *Green and Biddle*, vacating our Occupant Laws, decided at their preceding term. The Senators and Representatives from this State promptly presented the remonstrance and documents to that body, and as early as practicable, pressed the subject on their consideration. Congress was crowded with important national subjects of immediate concern, and the session was drawing to a close; yet the complaint of Kentucky was taken up in both houses, and strong indications were given, that her cause was considered the cause of every other State, and that every undeviating republican and inflexible defender of the true principles of our Federal Union, would not only be found in the support of the propositions contained in the Remonstrance, but also of such other changes and reforms in the Judicial Department of the National Government, as may be necessary to defend the States from the further encroachments of that powerful tribunal.

It is unnecessary for the present General Assembly to add any thing to the unanswered, and, it is believed, unanswerable arguments against the opinion of the Court, contained in the petition of Messrs. Rowan and Clay, accompanying the remonstrance, if, indeed, aught could be added, to make the error of the Court more palpable; and whether they consult their own judgment, the sentiments of the people of Kentucky, or the indications in the Congress of the United States, it would seem equally superfluous to add any thing to the remonstrance itself, for the purpose of vindicating the justice, the policy, and the necessity of the course which the General Assembly has pursued, to vindicate the *insulted rights* of their State and their constituents. Kentucky could not make more evident, the wrongs she has endured, and the claim she has upon the Congress of the Union, for ample security against future sufferings and degradation.

But it cannot be disguised, that great efforts have been made, and extensive means employed, by those who substantially maintain the supremacy of the Federal Judiciary, and whose interests have been advanced by the decrees of the Court, to impress upon the national government and our sister States, that the people of Kentucky have and feel but an *inconsiderable* interest in the occupant laws thus *attempted* to be repealed, and are ready to surrender them, as *unjust* in principle, and repugnant to the compact with our parent State; that they are not opposed to the general principles attempted to be established by that tribunal, and entertain no apprehensions from the application and extension of the degrading doctrines in that and other opinions asserted; that they are ready to yield whatever the Judges may demand; that the measures of the last session were but the effect of a temporary agitation in the public mind, and a rebellious spirit in the General Assembly, which had spent themselves in the effervescence of the moment, and left the State in a disposition to abandon the question, and quietly to submit to the unconstitutional mandates of judicial authority. Hence, it is deemed not only politic, but necessary, for the present General Assembly emphatically to declare, that on this subject they fully accord with the sentiments expressed in the remonstrance of last session, and by the Governor in his enlightened communication at the commencement of the present session, and that, in their opinion, the same sentiments are entertained by the great body of the people of Kentucky. They have always believed, and do now believe, that the occupant laws *attempted* to be vacated by the Court, violated no principle either of constitutional or moral law, and are entirely consistent with the compact with the parent State, and were, at the time of their enactment, imperiously required by the condition of the country, and are still essential to its repose. They view the decision of the Court as not only unconstitutional and erroneous,

but as asserting principles which are dangerous to the political liberty of the State, and to the civil liberty of its citizens; and taken in connexion with the general tenor of the decisions of that tribunal on constitutional law, and the spirit which has been displayed by their adherents, as threatening an annihilation and consolidation of the States. But the General Assembly and the people of Kentucky view the reports sent abroad, of their readiness to asquiesce in principles so monstrous, as groundless calumnies upon the State character, and upon the patriotism and firmness of the people, and calculated to aid in the prostration of State sovereignty, the main *pillar* of the Federal Union and American liberty.

It might seem to be incompatible with that confidence with which Kentucky looks to Congress for redress of the wrongs under which she suffers, to press directly upon that body a renewal of her complaints, at so early a period; but viewing the subject of the remonstrance as not only important to the people of Kentucky, but involving the very principles of that government under which the American States are so happily united, the General Assembly deem it proper, through the immediate representatives of the State, to urge it on the early attention of the *national Legislature*, and to declare, that they consider it does as far transcend, in importance, any other subject which may probably command their attention, as the fundamental principles of the government rise above the details of its administration: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested, to urge upon the early attention of Congress, the subject of the remonstrance of Kentucky against the decision of the Supreme Court of the United States annulling the occupying claimant laws of this State, and employ their best efforts to obtain the passage of acts of Congress in conformity to the propositions in the remonstrance contained.

The provisions of the Constitution of the United States in relation to the Federal Judiciary, and the jurisdiction exercised by those tribunals, have also been mentioned by the Governor in his communication. The Constitution provides, "that the judicial power shall extend to controversies between citizens of different States, between citizens of the same State claiming lands under grants from different States, and between the citizens of a State and the citizens or subjects of a foreign State." It is difficult to perceive the principle on which it was deemed necessary or politic, on the mere circumstance of one of the litigants being a citizen or subject of a foreign State, or of a different State from his adversary, or on the diversity of the sovereignty by whom the land in contest was granted, to vest the jurisdiction of the cause in the federal tribunals, unless we presume that it was apprehended the state courts, at some future day, might become so corrupt or imbe-

cile, as to be incapable of rendering justice according to law, in any cause in which a citizen of a foreign or sister state might have an interest adverse to a citizen of the state to which the tribunal belonged, and become so far lost to a sense of right, as to deny justice to even one of their own citizens, on the ground that his grant emanated from another state. But surely it ought not to have been believed, that this government, which is founded exclusively on the virtue and intelligence of the people, could long endure after the people had become so corrupt, as to will, or even tolerate such abuses of the *judiciary*, which, like every other department of their government, must, on the principles of the *supremacy* of the people, ever be a correct representation of themselves. But it cannot be disguised, that there did prevail in the convention, not only an undue *distrust* of the states, but a strong disposition to place them under the *control* of the *federal judiciary*. Hence the provision in the original article from which we have quoted, that subjected a state, contrary to its will, to be arraigned at the bar of the federal judges at the suit of a citizen, or even that of an alien. This provision, it is true, was believed to have been abrogated by an amendment proposed by our parent state, and adopted by the requisite number of the members of the *Union*. But it is equally true, that the Supreme Court have determined, by their constructions, that a vestige of it still remained, and have, upon its *authority*, solemnly adjudged, that *distinguished state* to have passed under their yoke. [*Cohens vs. State of Virginia*, 6 Wheat. 264.]

The General Assembly do, therefore, fully accord with the Executive, in his opinion that this jurisdiction is unnecessarily and improperly vested; and believing with him, that our state tribunals may be made competent to the determination of all such controversies, would willingly unite with our sister states in ratifying amendments to the constitution, to divest the federal courts of all such jurisdiction. The Supreme Court have, however, determined, that they cannot exercise jurisdiction in any case, merely on the authority of the constitution; but that the jurisdiction must be given by statute also; [*McIntire and Wood*, 7 Cranch 505] and Congress has, by statute, conferred on them jurisdiction in causes of the above character. The repeal of the acts of Congress would, therefore, for the present, remedy the evil. In a proposition to repeal these acts, it is believed, Kentucky would display an unanimity seldom witnessed on any question. It was by virtue of these acts, that the Circuit Court for the Kentucky district obtained jurisdiction in the case of *Green and Biddle*, from which it was adjourned to the Supreme Court, where the occupant laws, designed to secure the *bona fide* occupant a fair compensation for his labor, honestly bestowed on lands granted to him by the Commonwealth, and believed to be his own, are attempted to be annulled. If, therefore, those acts of Congress had not been in force,

the decision could never have been given, and if repealed, our laws may be restored.

These are not, however, the only laws designed to secure justice to the people of Kentucky, which have been disregarded by the federal tribunals, in exercising jurisdiction under the act in question. The Circuit Court for the Kentucky district, have held for naught, the statute of this state limiting actions for the recovery of lands, to seven years, which was enacted for the purpose of fixing a period at which the people might hope for repose; and by that decision, have given a scope to actions which will be barred only by the lapse of almost half a century.

In addition to these considerations, the jurisdiction of the federal court has exhibited in Kentucky, the novel spectacle of two rules of decision on the very right of the thing in contest, in causes of the same nature, arising in the same places, and determined in the same building, and differing only in the *character* of the parties to the suits. Nor has this deplorable diversity of rules governing the right to property, been confined to cases depending on constitutional law; but has, to a great and afflicting extent, been applied to cases depending on the unwritten or common law itself, which, having been denied to be a part of the national code, was believed to consist in general custom, as evidenced by the decisions of the state judiciary and the acquiescence of the people, and on the authority of the *federal rules*, in opposition to those of the state tribunals, the dwellings of our citizens have been adjudged to non-residents and speculators. [*Speed and Buford*, 3 Bibb 57; *Green and Liler*, same book 64.] To secure the observance of the statutes of the people, and the uniform application of the unwritten code, is not, however, the only inducement with Kentucky, for opposing this unnecessary jurisdiction. The federal courts in Kentucky exercise their authority throughout the state, and the people in every quarter of the country, however remote, and in whatever condition in society, are liable to be summoned to the *metropolis*, to answer the actions of foreigners and aliens. Whilst the people of the state are required to bring and conduct their suits in the county where the land is situated and can be conveniently defended, foreigners station themselves and their agents at our capital, and the people are commanded to attend upon them. For this exclusive privilege, no good reason is perceived; but great inconvenience and loss have been sustained. In consequence of the people being compelled to defend their lands and dwellings hundreds of miles from their homes, they often find themselves, after succeeding in their suits, well nigh ruined by the costs and charges, and not unfrequently their all is lost, for want of that attention to their causes, which it is impossible to bestow at so great a distance. The revising tribunal is in the Supreme Court, and in numerous cases, wholly beyond the reach of the means of our citizens. They

have, therefore, to abide by the decision of the inferior court, when against them; and when for them, and an appeal is taken, to risk the decision of the remote tribunal, on an *ex parte* discussion. To remedy these inconveniences, the General Assembly unhesitatingly declare, that, in their opinion, the jurisdiction of the federal courts, in all such causes, ought to be divested. We are aware, that it was proposed at the last session of Congress, to remedy these inconveniences to litigants, by a multiplication of the districts of the federal court, and thus to carry home the justice of the federal Judges to the doors of the people. But for this remedy we are not prepared. We still glory in the part which the representatives of Kentucky took, in the repeal of the wide-spread system of the federal judiciary, which was established for the abolition of the rights of the states, and the humiliation of the people. We are, therefore, for a curtailment of the jurisdiction of the courts; not for a multiplication of the courts and judges, and an extension of their patronage and influence: Therefore,

2. *Resolved by the authority aforesaid*, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to cause an act to pass that body repealing all statutes now in force, which give the federal courts jurisdiction, where land is the subject-matter of controversy, merely on account of the citizenship of the parties, or the states from which the grant to the land in contest issued.

There is another provision in the judiciary act of Congress, by which the Supreme Court exercises a jurisdiction to annul and set aside not only the statutes of the states, but also the decisions of their courts of justice, which is peculiarly objectionable in its character. The 25th section of the judiciary act provides, among other things, "that a final judgment or decree in any suit, in the highest court of law or equity of a state, in which a decision of the suit could be had, where is drawn in question the validity of a statute of, or authority exercised under any state, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favor of such, their validity may be re-examined, and reversed or affirmed, in the Supreme Court of the United States, upon a writ of error."

That a writ of error is allowed to one party and not to the other; that it is given for the purpose of annulling the statute of a state, after its highest judicial tribunal has declared it constitutional and valid, and yet denied when the state court has vacated the statute, is certainly an unequal provision. The case of the decision of the Court of Appeals on the replevin laws, illustrates this objection. Had the parties who contended for the validity of these laws prevailed, their adversaries, who allege that they were repugnant to the constitution of the United States, might have prosecuted their writ of error, and had the decision re-examined and

reversed. But the Court of Appeals having attempted to annul the laws, the parties who contended for their validity, have no appeal, and, consequently, the decision is fixed upon the state as a precedent for all future time, unless the *Judges be driven from office in some mode*. It is not, however, this singular provision in the statute, which constitutes the main objection. It is by no means conceded, that Congress had power to provide, that after the highest court of law or equity of a state, in which the case could be heard, had pronounced its final decision between the parties, the judgment or decree might be re-examined and reversed in the federal courts. But it is not necessary to urge the constitutional objection. Congress has power to repeal the enactment; [*Durosseau vs. United States*, 6 Cranch 314] it will, therefore, be sufficient for Kentucky to unite with the other states in urging upon that body, the other intrinsic objections and dangerous tendencies of this singular clause. It might be sufficient to say, that by this short paragraph the prerogative of understanding and applying the principles of the federal constitution, is wholly wrested from the states and people, by whom it was made, and consigned to a tribunal installed for life, equally irresponsible to the people and their representatives; that by vesting this jurisdiction in the Supreme Court, seven men, placed above all control by the only rightful sovereigns, are made the final arbiters of the extent of the legislative power of the states, and have it thereby in their power to degrade them to any character "of corporation," which may be dictated by their ambitious designs or capricious fancies.

If it be asked, how could uniformity of construction upon those articles of the constitution which are prohibitory to the states, be maintained, if this mode of preserving it be abandoned, it is answered, that this section does not secure that object. It is only calculated for a reduction of the power of the states by the Supreme Court, where the state judiciaries are not bold enough for the undertaking, whilst it leaves those states without appeal, who are willing to become the victims of such decisions by their own tribunals, as may sink them even below the grade to which the federal judiciary would consign them; so that the enactment only affords a double means of reducing the states, without the advantage of uniformity in either the process or result. It would, therefore, be surely preferable to leave the state judiciaries controllable only by the people and their representatives. This would, at least, avoid the diversity of constitutional law in the same state; and to remedy the evils of a contrariety of construction which might prevail in the different states, it would surely be safer to resort to explanatory amendments of the constitution, than to leave it wholly in the power of those whom the public will, which is the very soul of the instrument itself, can never reach. This means of obtaining the end, it is believed, would itself have a most advanta-

geous effect. It would produce a continual recurrence to first principles, and awaken a vigilance in the public mind, which would constitute the strongest barrier against usurpations from whatever quarter they might come. These means would produce a perfect understanding of the restraints which the states have imposed upon themselves, which is essential to their obligation, and, it is believed, would sufficiently secure their observance: Wherefore,

3. *Resolved by the authority aforesaid,* That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the repeal of so much of any act of Congress as provides that any judgment or decree of the highest court of law or equity in any state, in any case in which is drawn in question, the validity of any statute of a state, on the ground that it is repugnant to the constitution of the United States, may be reversed in the Supreme Court of the United States, by writ of error or otherwise.

4. *Resolved by the authority aforesaid,* That the Governor be requested to transmit a copy of the foregoing Preambles and Resolutions to each of our Senators and Representatives in Congress.

ANDREW S. HUGHES, *Chairman*.
WILLIAM B. O'BANNON,
J. DUDLEY,
WILLIAM WORTHINGTON,
RODES SMITH,
R. BALLINGER.

Which being read, Mr. Ewing moved that the public printers forthwith print 1,500 copies of said report and resolutions, for the use of the General Assembly; and the question being taken thereon, it was decided in the affirmative—Yeas 21, nays 10.

The yeas and nays being required thereon by Messrs. Lockett and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Selby, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Hickman, Howard, Lockett, J. Ward, White and Wickliff.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Garth.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Martin Beaty," in which they request the concurrence of the Senate.

2. By Mr. B. Hardin.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to amend an act to change the venue in the case

of Isaac B. Desha," in which they request the concurrence of the Senate.

Which said bill was, on motion, taken up and read, and ordered to be read a second time; when, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

3. By Mr. Holt.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the Judge of the 10th Judicial District," in which they request the concurrence of the Senate.

4. By Mr. Wilcoxon.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to establish an election precinct in Bullitt county," in which they request the concurrence of the Senate.

5. By Mr. Willis.

Mr. Speaker—The House of Representatives concur in a resolution which originated in the Senate, entitled "a resolution concerning the Penitentiary," with amendments; in which amendments they request the concurrence of the Senate.

6. By Mr. Forest.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to amend an act establishing the town of Lebanon, in Washington county," in which they request the concurrence of the Senate.

7. By Mr. R. Taylor.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act concerning the Baptist Church in the town of Maysville," in which they request the concurrence of the Senate.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. T. Ward—1. A bill to amend an act entitled "an act to reduce into one the several acts regulating the establishment of Ferries."

On motion of Mr. Lyon—2. A bill to change the place of comparing the polls in the 8th senatorial district.

On motion of Mr. Beaty—3. A bill to amend the laws establishing a turnpike road from Cumberland Gap to the Crab Orchard and other places.

On motion of Mr. Bowman—4. A bill for the benefit of a seminary of learning in the county of Cumberland.

On motion of Mr. Dudley—5. A bill to amend the revenue law relative to resident delinquents.

On motion of Mr. Maccoun—6. A bill to tax the exhibition of natural and artificial curiosities, and for other purposes.

The following committees were appointed to prepare and bring in the foregoing bills, to wit: Messrs. T. Ward, Maccoun and Mayo, the first; Messrs. Lyon, Lockett and Ewing, the second; Messrs. Beaty, Davidson and Ballinger, the third; Messrs. Bowman, C. Allan and Davidson, the fourth; Messrs. Dudley, Muldrow and Carneal, the fifth; and Messrs. Maccoun, Dudley and Bowman, the sixth.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined enrolled bills and a resolution which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of Henry Miller and Peter Anderson; an act to legalise the proceedings of the Woodford county court, and to change the times of holding the March, June and September terms thereof; an act for the benefit of Henry P. Maxey, late deputy sheriff of Monroe county; an act to authorise the county court of Morgan, to lay an additional levy; an act to provide for the running and marking the county line between the counties of Owen and Grant; an act for the benefit of Archelaus A. Strange of Adair county; an act to authorise the county court of Pike, to lay an additional levy; an act for the benefit of James F. Nall; a resolution concerning the Bank of the Commonwealth of Kentucky and branches; and that the same were truly enrolled.

Whereupon said bills and resolution were handed over to the proper committee, that the signature of the Speaker of the House of Representatives might be obtained thereto; and after a short time, Mr. Yancey reported that the Speaker of the House of Representatives had signed the same, and thereupon the Speaker of the Senate also affixed his signature to them, and they were delivered to the proper committee, to be laid before the Governor, for his approbation and signature, which duty was forthwith discharged. After a short time the Senate received a message from the House of Representatives by Mr. Prince, communicating that official information had been received in that house, that the Governor did on this day approve and sign said bills and resolution.

On motion of Mr. Wickliff, leave was given to report a bill to explain the 2d article and 25th section of the constitution of this state, and for other purposes; which being reported, was read, and ordered to be read a second time.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petitions of sundry citizens of the counties of Adair, Wayne and Cumberland, reported thereupon by a bill for the formation of a new county out of parts of those counties, pursuant to the prayer of said petitions; which passed to a second reading.

Mr. Ewing, from the same committee, made the following report, to wit:

The committee of propositions and grievances, according to order, have had under consideration a petition to them referred, and have come to the following resolution, to wit:

Resolved, That the petition of sundry citizens of the counties of Hardin, Green and Washington, praying the establishment of a new county out of the counties aforesaid, *be rejected*.

Which being twice read and amended, was concurred in.

The following bills were reported from select committees raised to prepare and bring in the same, to wit: By Mr. Lockett—a bill to regulate the circuit courts within the 14th judicial district. By Mr. T. Ward—a bill to amend the several acts concerning the turnpike road from the mouth of Triplett's creek to Big Sandy; which severally passed to a second reading.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Dallam.

Mr. Speaker—The House of Representatives concur in a resolution which originated in the Senate, entitled "a resolution concerning repairs to the Government House." They have also passed a bill entitled "an act for the benefit of Ermina M'Haney and Elizabeth Chrisman," which originated in the House of Representatives; and "an act for the benefit of Celia Maxwell," which originated in the Senate, with an amendment; in which bill and amendment, they request the concurrence of the Senate.

2. By Mr. Maupin.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to change the place of taking the votes in the southern precinct in Barren county," in which they request the concurrence of the Senate.

3. By Mr. J. M. M'Connell.

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act to authorise M'Murtry and Ward, of Greenup county, to raise their mill-dam across Little Sandy, higher, and an act to establish the seat of justice for Spencer county; in which bills they request the concurrence of the Senate.

4. By Mr. Joyes.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act in addition to an act entitled an act authorising certain county courts to appoint port wardens, and prescribing their duties, approved February 6th, 1819," in which they request the concurrence of the Senate.

Mr. Ballinger, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to erect election precincts in certain counties in this Commonwealth," reported the same with amendments, which being

twice read were concurred in; whereupon the rule, constitutional provision, and third reading thereof being dispensed with,

Resolved, That said bill, as amended, do pass; and that the title thereof be amended, by adding thereto the words, "and for other purposes."

Ordered, That Mr. Lyon inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Carneal, from the select committee to which was referred a bill for the benefit of the Augusta College, reported the same without amendment; and on motion, it was, for the present, laid on the table.

On motion, a bill to repeal the law establishing the Court of Appeals, and to re-organize the same, was taken up; and the rule, constitutional provision, and second reading thereof being dispensed with, the same was referred to a select committee of Messrs. Denny, Hughes, Carneal and Beauchamp, for amendment.

And then the Senate adjourned.

TUESDAY, DECEMBER 7, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills and resolutions of the following titles, to wit: An act to amend an act to change the venue in the case of Isaac B. Desha; an act to provide for the disposition of the estate of William Moore, deceased; resolutions concerning repairs to the Government House: That the same were truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature.

On motion of Mr. J. Allen, a resolution concerning the Penitentiary, was taken up, and the amendments made to said resolution in the House of Representatives, were twice read and concurred in.

Ordered, That Mr. J. Allen inform the House of Representatives thereof.

Mr. P. N. O'Bannon presented the petition of sundry citizens of Russellville, praying the passage of a law authorising the appointment of an additional Constable in said town; which was referred to a select committee of Messrs. P. N. O'Bannon, Ewing and Worthington.

Mr. Smith, from the committee of religion, made the following report, to wit:

The committee of religion have, according to order, had under consideration the petition of George Marshall, praying for a divorce, and have come to the following resolution thereon, to wit:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Smith, from the same committee, (upon a petition to them referred,) also reported a bill for the divorce of Polly Gillaspie; which passed to a second reading.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Brents.

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the Sheriff of Hart county," in which they request the concurrence of the Senate.

2. By Mr. Holt.

Mr. Speaker—The House of Representatives have adopted a resolution providing for the election of Trustees to the Transylvania University, and fixing on a day for that purpose; in which they request the concurrence of the Senate.

3. By Mr. Prince.

Mr. Speaker—The House of Representatives have received official information that the Governor did on this day approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act to amend an act to change the venue in the case of Isaac B. Desha; an act to provide for the disposition of the estate of William Moore, deceased.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled resolution which originated in the Senate, concerning repairs to the Government House.

Mr. Denny, from the select committee to which was referred a bill to repeal the law organizing the Court of Appeals, and to reorganize the same, reported said bill with amendments, which being twice read, were concurred in.

Mr. C. Allan moved to commit said bill to a committee of the whole house on the state of the Commonwealth; and the question being taken thereon, it was decided in the negative—Yeas 13, nays 21.

The yeas and nays being required thereon by Messrs. Howard and Beachamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beatty, Bowman, Carneal, Crutcher, Davidson, Hickman, Howard, Lockett, Muldrow, J. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Ordered, That said bill be engrossed and read a third time tomorrow.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to amend the revenue laws concerning resident delinquents; which passed to a second reading.

Mr. Hughes moved that the Senate now resolve itself into a committee of the whole upon the state of the Commonwealth, upon the bill to amend the law concerning occupying claimants of land.

A division of the question being called for, the question was taken on going into committee of the whole, and decided in the affirmative—Yeas 23, nays 11.

The yeas and nays being required thereon by Messrs. Lockett and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hickman, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allen, J. Allen, Beaty, Bowman, Carneal, Crutcher, Davidson, Howard, Lockett, J. Ward and White.

Whereupon the Senate resolved itself into a committee of the whole, Mr. Howard in the chair; and after some time spent therein, the committee rose, and the Speaker having resumed the chair, Mr. Howard reported that the committee had, according to order, had under consideration a bill to amend the law concerning occupying claimants of land; that they had gone through the same, and had directed him to report the bill to the house without amendment; which being received, the same was, on motion, re-committed to a select committee of Messrs. Ewing, J. Allen, Beauchamp and Dudley, for amendment.

Pursuant to a resolution which originated in the Senate, entitled "a resolution concerning the Penitentiary," the following gentlemen were appointed a committee on the part of the Senate, to wit: Messrs. J. Allen and Muldrow.

Mr. Beauchamp moved that the committee of the whole be discharged from the further consideration of a bill to them referred, entitled "a bill to amend the law concerning frauds;" which was decided in the negative.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 8, 1824.

The Senate assembled.

The Speaker laid before the Senate a communication from the President and Directors of the Branch of the Bank of the Commonwealth located at Lexington, which was read as follows, to wit:

BRANCH BANK OF THE COMMONWEALTH OF KENTUCKY, }
LEXINGTON, DECEMBER 3, 1824. }

To the Senate and House of Representatives of the Commonwealth of Kentucky.

GENTLEMEN,

The undersigned, President and Directors of this Branch, would respectfully represent, that they have learned that a bill is under consideration before the General Assembly, which, among other measures, dispenses with Clerks in the Branches of the Commonwealth's Bank; and conceiving that this measure would operate some loss to the Commonwealth and inconvenience to the public, we think it our duty to draw your attention to the subject.

The existing laws make it the duty of the Commonwealth's Bank and Branches, to receive money on deposit and to pay it out when required. To discharge this duty in this commercial place, requires much writing, and the most accurate and skilful book-keeping. The average deposit at this branch, throughout the year, is from sixty to one hundred thousand dollars, and the daily entries in receiving and paying out, amount to perhaps one hundred. As this is a great accommodation to merchants and others, in securing their funds, the board of Directors have considered, that as it is attended with labor on the part of the Bank officers, the usage of all other Banks in loaning out a part of the deposits, should be practised here. Accordingly, this Branch has made a clear profit of from \$1,500 to \$2,000 per annum, on loaning a part of the deposit fund in discounting real transactions, as may be seen by a reference to the expose of the Bank, laid before the house. Should the Clerks be removed, it will not be possible to continue to receive deposits; consequently, the public will be deprived of the convenience now afforded, and the profit made on this sum, will unavoidably be lost, because it will be impossible for the Cashier to perform the numerous and complicated negotiations of the Bank, without the aid of a Clerk.

We will add one more suggestion. The great amount of money in charge of the Cashier and Clerk of this Branch, necessarily involves much responsibility, and persons on whom entire reliance can be placed for capacity and integrity to discharge so impor-

tant a trust, can with difficulty be retained in the service of the public, for the remuneration now allowed the officers of the institution.

We are, respectfully,

CH. HUMPHREYS, *President.*

JOHN BRADFORD,

ELIJAH CRAIG,

M. KENNEDY,

JOHN BRAND,

THOS. WALLACE,

WILL. R. MORTON.

Directors.

Which communication was laid on the table.

The Speaker also laid before the Senate, a communication from William Hardin, Keeper of the Kentucky Penitentiary, covering a proposition in relation to the Penitentiary; which was received, read and referred to the committee raised by virtue of a resolution concerning the Penitentiary.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled resolution which originated in the Senate, entitled, "a resolution concerning the Penitentiary;" that they had found the same truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto.

Ordered, That the said committee lay the same before the Governor, for his approbation and signature.

Mr. C. H. Allen, from the committee for courts of justice, reported the following bills, to wit: 1. A bill for the benefit of the heirs of Michael Graves, deceased; 2. a bill for the benefit of the heirs of Andrew Snider, deceased; which severally passed to a second reading.

Mr. P. N. O'Bannon, from the select committee raised for that purpose, reported a bill allowing an additional constable to the county of Logan, which passed to a second reading; whereupon the rule, constitutional provision and second reading of said bill being dispensed with,

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Bowman, from the select committee raised for that purpose, reported a bill for the benefit of a Seminary of learning in the county of Cumberland, which passed to a second reading; when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was referred to a select committee of Messrs. Davidson, Bowman and Flournoy, for amendment.

Mr. Wickliff, who voted in the majority, when the further consideration of a bill concerning attorneys at law, was postponed

until the 10th day of June next, moved a re-consideration of said vote; whereupon the same was re-considered, and the bill, on motion, referred to a select committee of Messrs. Wickliff, C. Allan, Stephens and Beauchamp, for amendment.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Muldrow—1. A bill concerning public roads.

On motion of Mr. Crutcher—2. A bill to repair the road from Louisville, Kentucky, to Nashville, in Tennessee.

Messrs. Muldrow, J. Allen and Maccoun, were appointed a committee to prepare and bring in the first; and Messrs. Crutcher, Denny, Wickliff and Beauchamp, the second.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to reduce into one the several acts respecting the establishment of ferries;" which passed to a second reading.

Mr. T. Ward, from the select committee to which was referred, a bill from the House of Representatives entitled "an act to allow the justices of Morgan county, each, a copy of the Digest of the Laws," reported the same with an amendment, which being twice read, was concurred in; whereupon, the rule, constitutional provision and third reading of said bill being dispensed with,

Resolved, That said bill do pass as amended, and that the title thereof be amended to read "an act to amend the law regulating the distribution of the Statute Laws and Journals of this Commonwealth."

Ordered, That Mr. T. Ward inform the House of Representatives thereof, and request their concurrence in said amendments.

On motion of Mr. Denny, an engrossed bill entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize the Court of Appeals," was taken up.

Mr. C. Allan moved to lay said bill on the table until to-morrow; and the question being taken thereon, it was decided in the negative—Yeas 17, nays 21.

The yeas and nays being required thereon by Messrs. Yancey and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, Muldrow, Stephens, J. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Mr. Flournoy moved to commit said bill to a committee of the whole house on the state of the Commonwealth; and the question being taken thereon, it was decided in the negative—Yeas 17, nays 21.

The yeas and nays being required thereon by Messrs. Flournoy and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, Muldrow, Stephens, J. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

The question was then taken on the passage of said bill, and decided in the affirmative—Yeas 22, nays 16.

The yeas and nays being required thereon by Messrs. Yancey and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Lockett, Muldrow, Stephens, J. Ward, White and Wickliff.

Ordered, That the title be amended by striking out the word "the," in the last part thereof, and inserting "a;" and that Mr. Beauchamp carry said bill to the House of Representatives, and request their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing; also, to inform them that on this day he did approve and sign an enrolled resolution which originated in the Senate, entitled "a resolution concerning the Penitentiary."

And then the Senate adjourned.

THURSDAY, DECEMBER 9, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Stephens:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to provide for the selection of a permanent seat of justice for Campbell county," in which they request the concurrence of the Senate.

Which bill, on motion of Mr. Carneal, was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

The Speaker laid before the Senate a communication from Mr. B. Hensley, in relation to the Penitentiary; which being read, was referred to the committee raised to receive and pass upon propositions in relation to said institution.

Mr. Bowman presented the petition of William Frogg, praying a change of venue, &c.: which was read, and referred to a select committee of Messrs. Bowman, C. Allan and Flournoy, together with a bill from the House of Representatives, entitled "an act for the benefit of Benjamin Craig."

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill to amend the act concerning escheats, reported the same without amendment; whereupon said bill was ordered to be engrossed and read a third time on to-morrow.

Mr. C. H. Allen, from the select committee raised upon that part of the Governor's message which relates to the Judiciary, reported a bill to re-organize the circuit courts; which passed to a second reading.

The following bills were reported from select committees raised for that purpose, to wit:

By Mr. Lyon—1. A bill to change the place of comparing the polls in the eighth senatorial district.

By Mr. Crutcher—2. A bill to improve the road leading from Louisville, Kentucky, to Nashville, Tennessee, and New-Orleans.

Which severally passed to a second reading.

Mr. Davidson, from the select committee to which was referred a bill for the benefit of a seminary of learning in the county of Cumberland, reported the same without amendment; whereupon said bill was ordered to be engrossed and read a third time on to-morrow.

On motion, a bill for the benefit of the Augusta College, was taken up, and committed to a select committee of Messrs. Denny, Hughes, and C. Allan, for amendment.

Mr. Daniel, from the majority upon the vote by which a bill for the benefit of securities, was postponed until the 10th day of June next, moved a re-consideration of said vote; and thereupon the same was re-considered, and the bill committed to a select committee of Messrs. Howard, Daniel and Denny, for amendment.

On motion of Mr. J. Allen, leave was given to bring in a bill concerning the Greensburg Independent Bank; and Messrs. J.

Allen, Daniel, Dawson and C. Allan were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled "an act for the benefit of Centre College," was taken up, and referred to a select committee of Messrs. Beauchamp, C. Allan and Maccoun, for amendment; and after a short time, Mr. Beauchamp reported said bill from said committee, with an amendment, which being twice read, was concurred in.

Mr. C. H. Allen moved to lay said bill and amendment on the table until the first day of July next; and the question being taken thereon, it was decided in the negative—Yeas 7, nays 31.

The yeas and nays being required thereon by Messrs. C. H. Allen and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Daniel, Dudley, Mayo, W. B. O'Bannon, Smith and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Crutcher, Davidson, Dawson, Denny, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Hughes, Lockett, Lyon, Maccoun, Muldrow, P. N. O'Bannon, Selby, Stephens, J. Ward, T. Ward, White, Wickliff and Worthington.

Mr. Dudley offered, by way of amendment, an additional section to the bill, and Mr. Hickman proposed to amend said amendment, by attaching thereto the following proviso, to wit:

Provided, That no repeal or change shall take place in said charter, so as to give the Legislature a control over the same, or its funds, or divest the said trustees of any donation, bequest or devise which may then have been vested in said trustees, until they refund to the treasurer of the trustees the full value of the same, to be then fairly ascertained.

And the question being taken on the adoption of said proviso, it was decided in the affirmative—Yeas 33, nays 5.

The yeas and nays being required thereon by Messrs. Dudley and Maccoun, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Hughes, Lockett, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, Stephens, J. Ward, T. Ward, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, Dudley, Mayo, Selby and Yancey.

The question was then taken on the adoption of the amendment as amended, and decided in the affirmative.

Whereupon said bill was ordered to be read a third time; when the third reading thereof was dispensed with, and the question being taken on the passage of the same, it was decided in the affirmative—Yeas 30, nays 8.

The yeas and nays being required thereon by Messrs. Dudley and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Crutcher, Davidson, Dawson, Denny, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Lockett, Lyon, Maccoun, Muldrow, P. N. O'Bannon, Selby, Stephens, J. Ward, T. Ward, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, Daniel, Dudley, Hughes, Mayo, W. B. O'Bannon, Smith and Yancey.

Ordered, That the title of said bill be as aforesaid, and that Mr. Maccoun inform the House of Representatives thereof, and request their concurrence in said amendment.

On motion, a bill from the House of Representatives, entitled "an act for the benefit of the State Hospital at Louisville," was taken up, and being read a second time, was committed to a select committee of Messrs. Denny, Lockett and Ewing, for amendment.

Mr. Ewing, from the select committee to which was referred amendments made in the House of Representatives, to amendments made in the Senate, to a bill from the House of Representatives, entitled "an act to regulate the debt due the Commonwealth for the sale of lands acquired by the treaty of Tellico," reported the same with an amendment, which being twice read, was concurred in; and thereupon the amendment proposed by the House of Representatives, as amended, was adopted.

Ordered, That Mr. Ewing inform the House of Representatives thereof, and request their concurrence in said amendment.

And then the Senate adjourned.

FRIDAY, DECEMBER 10, 1824.

The Senate assembled.

Mr. Forsythe presented the petition of sundry citizens of the counties of Gallatin, Oldham and Henry, praying the formation of a new county out of parts of those counties; which, together with the accompanying documents, was referred to the committee of propositions and grievances.

Mr. Crutcher presented the petition of Cynthia Hardin, praying for a divorce from her husband, William Hardin; which was, on motion, referred to a select committee of Messrs. Crutcher, Yancey and Dawson.

Mr. Selby presented the petition of Charles Nicholas Perkins, praying a loan of money from the branch of the Bank of the Commonwealth located at Harrodsburg, &c.; which being read, was referred to the committee of propositions and grievances.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred the petition of Whiting Washington and others, reported thereupon "a bill to legalize the sale by the trustees of Rebecca Washington, of certain slaves;" which passed to a second reading.

On motion of Mr. Flournoy, leave was given to bring in a bill further to regulate the Lunatic Asylum; and Messrs. Flournoy, T. Ward and Lockett were appointed a committee to prepare and bring in said bill.

Mr. Beauchamp, from the select committee to which was referred a bill to amend the law concerning occupying claimants of land, reported the same with an amendment, which being twice read, was concurred in.

Mr. Hughes offered, by way of amendment thereto, a substitute for the whole bill after the first section.

Whereupon Mr. Flournoy moved to lay said bill and amendments on the table until the first day of July; and the question being taken thereon, it was decided in the negative—Yeas 16, nays 22.

The yeas and nays being required thereon by Messrs. Beauchamp and Hughes, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allen, J. Allen, Ballinger, Beaty, Bowman, Davidson, Dawson, Faulkner, Flournoy, Howard, Lockett, Muldrow, Smith, Stephens, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Denny, Dudley, Ewing, Forsythe, Hickman, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, T. Ward, White, Worthington and Yancey.

When, on motion, said bill and amendments were committed to a select committee of Messrs. Dudley, T. Ward, Hickman, Hughes, and Beauchamp, for amendment.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Denny, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for the benefit of the State Hospital at Louisville," reported the same without amendment.

Mr. C. H. Allen moved an amendment thereto, by way of additional section, appropriating money for the re-building of the Capitol in the town of Frankfort; which was rejected.

Mr. Crutcher moved an amendment to said bill, contemplating a reduction of the appropriation thereby to be made; but previous to a question thereon,

The Senate adjourned.

SATURDAY, DECEMBER 11, 1824.

The Senate assembled.

The Speaker being absent, and that fact being announced to the Senate by the Secretary, the house was called to order, and Mr. Hughes nominated Mr. Young Ewing as a proper person to preside over the Senate during the absence of the Speaker; and the question being taken on agreeing to said nomination, the same was unanimously agreed to; whereupon Mr. Ewing was conducted to the chair, and the Senate proceeded to business.

Mr. Mayo presented the petition of sundry citizens of the counties of Bath, Montgomery, Nicholas and Bourbon, praying the formation of a new county out of parts of those counties; which, with the accompanying documents, was referred to the committee of propositions and grievances.

Mr. C. Allan, from the committee for courts of justice, to which was referred the petition of Sands and Curd, reported thereupon a bill for the benefit of the heirs of William Baker, deceased, which passed to a second reading; when, on motion, the rule of the house, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. P. N. O'Bannon carry said bill to the House of Representatives, and request their concurrence.

Mr. Lyon, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petition of Charles N. Perkins, praying leave to borrow of the Harrodsburg Branch Bank a sum of money to enable him to carry on his manufactory of salt, and have come to the following resolution thereupon, to wit:

Resolved, That said petition *is reasonable*.

Mr. Lockett moved to strike out the words "*is reasonable*," and insert in lieu thereof, "*be rejected*;" and the question being taken thereon, it was decided in the negative—Yeas 17, nays 17.

The yeas and nays being required thereon by Messrs. Lockett and Hickman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Bowman, Carneal, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, W. B. O'Bannon, J. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Daniel, Denny, Dudley, Ewing, Forsythe, Hughes, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward and White.

The question was then taken on concurring with the committee in said report, and decided in the affirmative—Yeas 17, Nays 16.

The yeas and nays being required thereon by Messrs. Wickliff and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Daniel, Denny, Dudley, Ewing, Forsythe, Hughes, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward and White.

Those who voted in the negative, are, Messrs. C. Allan, Bowman, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, W. B. O'Bannon, J. Ward, Wickliff, Worthington and Yancey.

Mr. Denny, from the select committee to which was referred a bill for the benefit of Augusta College, reported the same with an amendment in lieu of the original bill, after the preamble; and the question being taken on concurring in said amendment, the same was rejected.

Mr. Beaty moved to commit the bill to a select committee; which was decided in the negative.

Mr. Dawson offered an amendment, fixing the amount of the appropriation thereby to be made; which was adopted, and the bill was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the said bill being dispensed with, and the same being engrossed, the question was taken on the passage thereof, which was decided in the affirmative—Yeas 22, nays 11.

The yeas and nays being required thereon by Messrs. Beaty and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Bowman, Carneal, Denny, Dudley, Ewing, Flournoy, Forsythe, Hickman, Hughes, Lockett, Lyon, Mayo, P. N. O'Bannon, W. B. O'Bannon, J. Ward, T. Ward, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Crutcher, Daniel, Davidson, Dawson, Faulkner, Howard, Selby, White and Yancey.

Ordered, That the title thereof be as aforesaid, and that Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Bowman, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for the benefit of Benjamin Craig," reported the same with an amendment; which being twice read, was concurred in.

Mr. Dudley moved to commit said bill and amendment to the committee for courts of justice; which was decided in the negative.

Whereupon, the rule, constitutional provision and third reading of said bill being dispensed with,

Resolved, That said bill as amended do pass, and that the title thereof be "an act providing for a change of venue in the case of Benjamin Craig and others."

Ordered, That Mr. Lockett inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Crutcher, from the select committee to which was referred the petition of Cynthia Hardin, reported thereupon a bill for the benefit of Cynthia Hardin, which passed to a second reading; when, on motion, the rule, constitutional provision, and second and third readings thereof being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill concerning the Greensburg Independent Bank, which passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and said bill was ordered to be engrossed and read a third time on Monday next.

A resolution which originated in the House of Representatives, providing for the election of Trustees of Transylvania University, and fixing on a day for that purpose, was, on motion, taken up, twice read and concurred in.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

The committee of the whole was discharged from the further consideration of bills of the following titles, to wit.

1. On motion of Mr. Lyon—A bill to provide for the sale of the lands west of the Tennessee river; which was thereupon referred to a select committee of Messrs. Lyon, Worthington and P. N. O'Bannon, for amendment.

2. On motion of Mr. Dudley—A bill imposing a tax on brokers.

3. On motion of Mr. Beaty—A bill to amend the penal laws of this Commonwealth.

4. On motion of Mr. Hickman—A resolution from the House of Representatives for appointing a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth.

Mr. Carneal, from the select committee to which was referred, a bill to amend the champerty and maintenance law, and to authorize the sale and conveyance of lands in certain cases, reported the same with sundry amendments, which were severally concurred in; and thereupon, the bill as amended, was ordered to be engrossed and read a third time on Monday next.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

The report and resolutions of the committee raised on that part of the Governor's communication which relates to the decisions of the Supreme Court of the United States on the occupying claimant laws of this State, was, on motion of Mr. Hughes, referred to a committee of the whole on the State of the Commonwealth, for Friday next.

On motion, a bill for the benefit of the heirs of Andrew Snider, deceased, was taken up and read a second time; when the rule, constitutional provision and third reading thereof were dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Beaty read and laid on the table the following joint resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printers for this Commonwealth, be instructed to make out an account current between themselves and the State, setting out on the face of said account, each separate item of expence; and that the said printers be instructed to furnish each member of the General Assembly with a copy or transcript of said account, at the end of the session.

And then the Senate adjourned.

MONDAY, DECEMBER 13, 1824.

The Senate assembled.

The Speaker appeared and resumed the chair.

On motion of Mr. Howard, the Sergeant-at-Arms was instructed to procure, for the use of the Senate, a copy of Munsell's Map of Kentucky.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill and a resolution which originated in the House of Representatives, of the following titles: "An act to provide for the selection of a permanent seat of justice for Campbell county," and "a resolution providing for the election of Trustees of Transylvania University, and fixing on a day for that purpose;" That the same were truly enrolled, and that the Speaker of the House of Representatives had signed the said bill and resolution.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature.

ture; and after a short time, Mr. Yancey reported that they had discharged that duty.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petition of Charles Nicholas Perkins, reported thereon a bill for the benefit of said Perkins; which passed to a second reading.

Mr. Lyon, from the select committee to which was referred a bill to provide for the sale of the lands west of the Tennessee river, reported the same with a substitute in lieu of the whole bill, after the enacting clause; which being read, was concurred in; and thereupon the bill as amended was ordered to be engrossed and read a third time on to-morrow.

A message from the House of Representatives, by Mr. Riddle: *Mr. Speaker*—The House of Representatives have passed a bill entitled "an act to legalize the proceedings of the town of Burlington;" in which they request the concurrence of the Senate.

Mr. Howard offered the following resolution, to wit:

Resolved by the Senate, That 1500 copies of the response of the Judges of the Court of Appeals, to the report of the joint committee to which was referred that part of the Governor's message in relation to the decisions of said Judges, be printed for the use of the General Assembly.

Which being twice read, was, for the present, laid on the table.

Mr. Ewing read and laid on the table, the following joint resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That on the _____ they will proceed to the election of Treasurer, Public Printer, Book Binder, Presidents and Directors of the Bank of the Commonwealth of Kentucky and its Branches.

Mr. Flournoy, from the select committee raised for that purpose, reported a bill further to regulate the Lunatic Asylum; which passed to a second reading.

Mr. Beaty, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for the benefit of Marcus Huling and others," reported the same with an amendment; which being twice read, was adopted, and the same being further amended, was ordered to be read a third time; which being done, and the question being taken on the passage thereof,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty inform the House of Representatives thereof, and request their concurrence in said amendments.

The Senate then proceeded to the consideration of the orders of the day.

A bill which originated in the Senate, entitled "an act for the benefit of Celia Maxwell," to which an amendment was made by

the House of Representatives, was taken up; and the amendment being twice read, was concurred in.

Ordered, That Mr. Bowman inform the House of Representatives thereof.

Bills which originated in the Senate, of the following titles, were severally read a third time, to wit: 1. An act to amend the law concerning pedlars; 2. an act regulating certain officers' fees; 3. an act to authorise John Bartlett and his associates, to build a bridge over main Elkhorn, in Franklin county; 4. an act to amend the act concerning escheats; 5. an act allowing an additional constable in the county of Logan; 6. an act for the benefit of a Seminary of learning in the county of Cumberland; 7. an act concerning the Greensburg Independent Bank; 8. a bill from the House of Representatives, entitled "an act to amend the law concerning the solemnization of marriages;" 9. a bill entitled "an act declaring Kennikennick navigable to the mouth of the Laurel Fork;" 10. a bill entitled "an act further to provide for opening and keeping in repair, the road from Danville to the Tennessee line, in the direction of Murfreesborough;" 11. a bill entitled "an act further to regulate the valuation of taxable property in this Commonwealth."

Whereupon, the 1st, 3d, 5th, 6th, 7th, 8th and 11th, (the 3d being amended by way of engrossed ryder, and the title of the 5th being amended to read "an act allowing an additional constable to the counties of Logan and Warren,") severally passed.

The yeas and nays being required on the passage of the 11th, by Messrs. Howard and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Daniel, Dawson, Ewing, Flournoy, Forsythe, Hughes, Lyon, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, T. Ward, White, Wickliff and Yancey—18.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Hickman, Howard, Lockett and J. Ward—5.

Mr. C. Allan moved to amend the title thereof so as to read "an act to raise the revenue of this Commonwealth;" and the question being taken thereon, it was decided in the negative—Yeas 9, nays 18.

The yeas and nays being required thereon by Messrs. Howard and Hickman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Flournoy, Hickman, Howard, Lockett and J. Ward.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Daniel, Dawson, Ewing, Faulkner, Forsythe, Hughes, Lyon, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, T. Ward, White, Wickliff and Yancey.

Ordered, That the titles respectively be as aforesaid, and that Mr. Bowman carry the 1st, Mr. Dudley the 3d, Mr. P. N. O'Bannon the 5th, Mr. Bowman the 6th, Mr. J. Allen the 7th, Mr. Dawson the 8th and 11th bills to the House of Representatives, and inform them of the passage of such of said bills as originated in that house, and request their concurrence in such as originated in this.

The 2d was committed to a select committee of Messrs. Howard, Hughes and Forsythe, for amendment.

The 4th and 10th were laid on the table for the present.

Mr. Hickman offered an amendment by way of engrossed rider to the 9th bill, when the same, with said amendment, was laid on the table for the present.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before the Senate a message in writing.

Bills of the following titles, which originated in the Senate, were severally read a second time, to wit: 1. A bill to change the time for the annual meeting of the General Assembly; 2. a bill to amend the law concerning the manner of authenticating foreign deeds and other instruments of writing; 3. a bill to fix the seat of justice of Meade county; 4. a bill to establish the 16th judicial district and for other purposes; 5. a bill to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy; 6. a bill to regulate the circuit courts within the 14th judicial district; 7. a bill to explain the 2d article and 25th section of the constitution of this state, and for other purposes; 8. a bill to amend the revenue law concerning resident delinquents; 9. a bill for the benefit of the heirs of Michael Graves, deceased; 10. a bill to amend an act entitled "an act to reduce into one, the several acts respecting the establishing of ferries;" 11. a bill to re-organize the circuit courts; 12. a bill to legalize the sale by the trustees of Rebecca Washington, of certain slaves; 13. a bill to amend the penal laws of this Commonwealth; 14. a bill from the House of Representatives, entitled "an act to allow Lawrence county two justices of the peace, in addition to the number now allowed by law; 15. "an act to add a part of the county of Caldwell to the county of Trigg;" 16. "an act authorising additional justices of the peace to certain counties in this Commonwealth;" 17. "an act for the benefit of the widow and heirs of Jacob Keller, deceased;" 18. "an act for the benefit of Ellen Blackmore."

The 1st, 2d, 3d, 5th, 6th, 9th, 10th and 12th, were severally ordered to be engrossed and read a third time on to-morrow.

The 4th, 7th, 13th and 15th, were referred to select committees, for amendment, to wit: The 4th to Messrs. Ewing, Lyon and T. Ward; the 7th to Messrs. Crutcher, C. Allan, Lyon, Lockett and

Wickliff; the 13th to Messrs. Dawson, C. Allan, Beaty and Howard; the 15th to Messrs. Lyon, Ewing and Lockett; the 8th and 11th being amended, were laid on the table for the present.

Ordered, That the public printers forthwith print 150 copies of the 11th, for the use of the General Assembly.

The 14th, 16th, 17th and 18th, were severally ordered to be read a third time; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bills do pass, and that their respective titles be as aforesaid.

Ordered, That Mr. Mayo inform the House of Representatives of the passage of the 14th, and Mr. Ewing of the passage of the 16th, 17th and 18th.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information, that the Governor did on this day approve and sign an enrolled bill and resolution, which originated in that house, of the following titles, to wit: An act to provide for the selection of a permanent seat of justice for Campbell county; a resolution providing for the election of trustees to Transylvania University, and fixing on a day for that purpose.

And then the Senate adjourned.

TUESDAY, DECEMBER 14, 1824.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act allowing additional justices of the peace to certain counties in this Commonwealth; an act for the benefit of the widow and heirs of Jacob Keller; an act to regulate the valuation of taxable property in this Commonwealth; an act for the benefit of Ellen Blackmore; an act to amend the law concerning the solemnization of marriages; an act to allow Lawrence county two justices of the peace, in addition to the number now allowed by law; and that the same were truly enrolled. After a short time, Mr. Yancey, from the same committee, reported that the Speaker of the House of Representatives had signed the aforesaid bills.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor for his approbation and signature; which duty, Mr. Yancey subsequently reported, was promptly discharged.

A message from the House of Representatives, by Mr. Forrest:
Mr. Speaker—The House of Representatives have passed a bill entitled “an act to change the place of voting in the Maxville precinct, in the county of Washington;” in which they request the concurrence of the Senate.

Mr. J. Allen presented the petition of Coleman Carter, praying the establishment of a ferry across Green river; which was read, and on motion, referred to a select committee of Messrs. J. Allen, Maccoun, W. B. O'Bannon and Lyon.

Mr. P. N. O'Bannon presented the petition of Richard B. Dablam, praying that a law may pass, remitting the state price on certain lands, &c.; which being read, was referred to a select committee of Messrs. P. N. O'Bannon, Worthington and Ewing.

Mr. Ewing, from the committee of propositions and grievances, upon a petition to them referred, reported a bill to change the place of voting in an election precinct in Nicholas county, which passed to a second reading; when, on motion, the rule, constitutional provision, and second and third readings thereof being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Ewing, from the same committee, made the following report:

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of sundry citizens of the counties of Bath, Nicholas, Montgomery and Bourbon, praying for the formation of a new county out of parts of said counties, *is reasonable*.

Resolved, That the petition of sundry citizens of Floyd county, praying to be added to the county of Pike, *be rejected*, for want of legal notice.

Mr. Hughes moved to strike out the words “*is reasonable*,” in the first resolution, and insert in lieu thereof the words “*be rejected*,” and the question being taken thereon, it was decided in the affirmative; whereupon, the report and resolutions being twice read as amended, were concurred in.

A message from the House of Representatives, by Mr. Goggin:

Mr. Speaker—The House of Representatives have passed a resolution “for the erection of tomb-stones over the bodies of the honorable Thomas Dollerhide, late Senator from the county of Pulaske, and the late Governors Madison and Greenup;” in which they request the concurrence of the Senate.

Mr. Beaty, from the select committee raised for that purpose, reported a bill to amend the charter and law establishing the Commonwealth's Bank; which being read, and the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. Dawson, from the select committee to which was referred a bill to amend the penal laws of this Commonwealth, reported the same with a substitute in lieu of the whole bill, after the enacting clause; which being twice read, was concurred in, when, on motion of Mr. J. Allen, said bill and amendment were laid on the table until the first day of June next.

Mr. Muldrow, from the select committee raised for that purpose, reported a bill concerning public roads; which passed to a second reading.

Mr. Crutcher, from the select committee to which was referred a bill to explain the 2d article and 25th section of the constitution of this state, reported the same with a substitute in lieu of the original bill, after the enacting clause; which being read, was concurred in.

Mr. Lyon offered an amendment thereto, which was adopted; when a motion was made to lay said bill on the table for the present, which was rejected.

Mr. Beauchamp then moved to lay the same on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yeas 11, nays 18.

The yeas and nays being required thereon by Messrs. Beauchamp and Flournoy, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beauchamp, Davidson, Dawson, Dudley, Maccoun, Mayo, Selby, T. Ward and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Bowman, Crutcher, Daniel, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Lockett, Lyon, P. N. O'Bannon, W. B. O'Bannon, Smith, White, Wickliff and Worthington.

Whereupon, the said bill as amended, was ordered to be engrossed and read a third time on to-morrow.

Mr. Howard, from the select committee to which was referred a bill regulating certain officers' fees, reported the same with an amendment; which being twice read, was concurred in; and after the same was further amended on motion of Mr. Flournoy,

Mr. Lyon moved a reconsideration of the vote by which the amendment proposed by the select committee, was concurred in; whereupon said vote was reconsidered, and the bill being further amended, was, on motion, re-committed to a select committee of Messrs. Flournoy, Carneal, Davidson, Hughes, J. Allen and Beauchamp, for amendment.

On motion of Mr. Lyon, the following messages from the Executive, were taken up and severally read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, who have been properly recommended to me since the commencement of the present session, to take rank in their respective offices, from the date of their commissions, viz.

Thomas Easterday, lieutenant colonel of the 51st regiment Kentucky Militia, vice David Gibson, resigned.

William O. Butler, major of the same regiment, vice Thomas Easterday, if promoted.

James A. Poage, major of the 70th regiment Kentucky Militia, vice Nathaniel Dawson, resigned.

JOSEPH DESHA.

December 4, 1824.

Gentlemen of the Senate,

The county court of Woodford county, having failed to recommend at the proper term, according to the provisions of the constitution, fit persons to fill the office of sheriff of that county, I nominate for your advice and consent, Marquis Calmes, who is the senior magistrate of said county, to be commissioned according to law, sheriff thereof.

JOSEPH DESHA.

December 8, 1824.

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, to be commissioned according to law, viz.

William Hogan, lieutenant colonel of the 104th regiment Kentucky Militia, vice Cyrus Sayton, removed.

Charles Ruddle, major of the same regiment, vice William Hogan, promoted.

John Dawson, brigade quartermaster of the 26th brigade, vice Edward B. Rules, resigned.

Joseph Scott, colonel of the 35th regiment Kentucky Militia, vice James Roney, removed.

Robert P. Mitchell, lieutenant colonel of the same regiment, vice Joseph Scott, if promoted.

Isham Clement, major of the 24th regiment Kentucky Militia, vice Joseph Hughes, promoted.

William Olds, colonel of the 9th regiment Kentucky Militia, vice Thomas S. Smith, resigned.

Joel Turnham, lieutenant colonel of the same regiment, vice William Olds, if promoted.

JOSEPH DESHA.

December 10th, 1824.

Whereupon it was resolved that the Senate do advise and consent to said nominations, severally.

Ordered, That Messrs. T. Ward and Forsythe inform the Governor of the advice and consent of the Senate, in relation to the nominations contained in the first message; Mr. Muldrow of the second; and Messrs. Hughes and Muldrow, of the third, each being duly certified.

The following message from the Executive was also read, and, for the present, laid on the table, to wit:

Gentlemen of the Senate,

A vacancy having by lapse of time occurred in the office of Agent of the Penitentiary, under the operation of the eighth section of an act of the General Assembly, approved December 10th, 1822, entitled "an act to enlarge the Penitentiary, and to provide for a more speedy sale of the articles manufactured in that institution," I nominate for your advice and consent, to fill the said office, William Holman, Esq. to be commissioned according to law.

JOSEPH DESHA.

December 13, 1824.

Mr. Faulkner, from the majority upon the vote of yesterday, by which a bill from the House of Representatives, entitled "an act for the benefit of Marcus Huling and others," was passed, moved a re-consideration of said vote; whereupon the same was re-considered, and the bill was committed to a select committee of Messrs. Faulkner, Bowman, Ewing and Selby, for amendment.

A message from the House of Representatives, by Mr. Prince: *Mr. Speaker*—The House of Representatives have received official information, that the Governor did on this day approve and sign enrolled bills, which originated in that house, of the following titles, to wit: An act allowing additional justices of the peace to certain counties in this Commonwealth; an act for the benefit of the widow and heirs of Jacob Keller, deceased; an act to regulate the valuation of taxable property in this Commonwealth; an act for the benefit of Ellen Blackmore; an act to amend the law concerning the solemnization of marriages; an act to allow Lawrence county two justices of the peace, in addition to the number now allowed by law.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. J. Allen—1. A bill to provide for fixing on a central point whereon to establish the permanent seat of government.

On motion of Mr. Maccoun—2. A bill to provide for the sale of all the manufactured articles now on hand in the office of the Agent of the Penitentiary.

On motion of Mr. Davidson—3. A bill for the benefit of the heirs of David Logan, deceased.

Messrs. J. Allen, Beauchamp, Ewing and Lyon, were appointed a committee to prepare and bring in the first; Messrs. Maccoun, Dudley and T. Ward, the second; and Messrs. Davidson, Faulkner and Smith, the third.—And then the Senate adjourned.

WEDNESDAY, DECEMBER 15, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill which originated in the Senate, entitled "an act for the benefit of Celia Maxwell;" and that the same was truly enrolled.

Ordered, That Mr. Yancey carry the same to the House of Representatives, for the signature of their Speaker.

Mr. Ewing, from the select committee to which was referred a bill to establish the 16th judicial district, and for other purposes, reported the same with amendments, which being twice read, were severally concurred in, and the bill was thereupon ordered to be engrossed as amended, and read a third time on to-morrow.

Mr. J. Allen, from the select committee to which was referred a bill regulating certain officers' fees, reported the same, and therewith, by way of amendment, a substitute in lieu of the whole bill (and the title thereof,) after the enacting clause; which being twice read,

Mr. Flournoy moved to lay the bill and amendments on the table until the first day of June next; and the question being taken thereon, it was decided in the negative.

A further amendment being offered, Mr. Hickman moved to commit the bill and amendments to a select committee.

Mr. Wickliff moved to lay the same on the table until the first day of July next; and the question being taken thereon, it was decided in the negative—Yeas 15, nays 20.

The yeas and nays being required thereon by Messrs. Flournoy and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Ballinger, Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Howard, Lockett, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, White, Worthington and Yancey.

The question being taken on the adoption of the amendment proposed by the select committee, the same was concurred in: and the same being further amended, was on motion referred to a select committee of Messrs. Carneal, Beauchamp, T. Ward, Ewing and J. Allen, for amendment.

Mr. Dudley offered the following resolution, to wit:

Whereas frequent escapes of convicts from the Penitentiary have lately taken place, and considerable expence incurred by apprehending and returning them, and that five of said convicts made

their escape therefrom last night, which seems to imply culpable neglect in the keeper or guards, or some great defect in the cells or walls around them: Therefore,

Resolved, That a committee of five be appointed to investigate the cause or causes of such escapes; that they have power to send for all persons necessary to said examination, and that they report thereon to this house.

Which being twice read, was concurred in; and Messrs. Ewing, Howard, Beauchamp, Faulkner and Hughes, were appointed a committee pursuant thereto.

Mr. Carneal moved to take up a bill to re-organize the circuit courts; which was thereupon taken up, and referred to a select committee of Messrs. Carneal, C. Allan and Beauchamp, for amendment.

Mr. Hughes moved to take up a bill which was heretofore laid on the table for the present, entitled "an act to regulate and curtail the jurisdiction of the general court;" which was thereupon taken up, and the question being taken on concurring in the amendment by way of substitute, proposed by the select committee, the same was rejected, and thereupon the bill was ordered to be engrossed and read a third time on to-morrow.

A message from the House of Representatives, by Mr. R. Taylor:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act to amend an act entitled "an act to amend the several laws now in force, concerning the town of Maysville in the county of Mason," approved December 15th, 1823; an act for the relief of the creditors and heirs of Nathaniel Harlan, deceased; in which bills they request the concurrence of the Senate.

On motion of Mr. T. Ward, a bill from the House of Representatives, entitled "an act declaring Kennikennick navigable to the mouth of the Laurel Fork," was taken from the table and placed in the orders of the day, as was also a bill which originated in the Senate, entitled "an act concerning frauds."

On motion, the committee of the whole was discharged from the further consideration of the preamble and resolutions, offered by the committee raised upon that part of the Governor's message which relates to the decision of the Supreme court, &c. and the same were referred to a select committee of Messrs. Hughes, Yancey and T. Ward.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed an enrolled bill which originated in the Senate, entitled "an act for the benefit of Celia Maxwell."

Whereupon the Speaker of the Senate affixed his signature thereto, and the same was delivered over to the proper commit-

tee, to be laid before the Governor for his approbation and signature.

The Senate then proceeded to a consideration of the orders of the day.

The following engrossed bills were read a third time, to wit: 1. An act to amend the champerty and maintenance law, and to authorize the sale and conveyance of land in certain cases; 2. an act to change the time for the annual meeting of the General Assembly.

Mr. Hickman moved to dispense with the orders of the day for the present, with a view to take up a resolution from the House of Representatives, entitled "a resolution for raising a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth;" and the question being taken thereon, it was decided in the negative.

The Senate progressed with a consideration of the orders of the day; and the following bills were read a third time, to wit: A bill to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy; 4. a bill to regulate the circuit courts within the 14th judicial district; 5. a bill for the benefit of the heirs of Michael Glaves, deceased; 6. a bill to amend an act entitled "an act to reduce into one, the several acts respecting the establishment of ferries;" 7. a bill to legalize the sale by the trustees of Rebecca Washington, of certain slaves; 8. a bill to explain the 2d article and 25th section of the constitution of this state, and for other purposes; 9. a bill to amend the law concerning the manner of authenticating foreign deeds and other instruments of writing.

The question being taken on the passage of the first, it was decided in the negative—Yeas 8, nays 26.

The yeas and nays being required thereon by Messrs. W. B. O'Bannon and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Bowman, Carneal, Davidson, Faulkner, Flournoy, Howard and T. Ward.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger Barrett, Beaty, Beauchamp, Crutcher, Daniel, Dawson, Dudley, Ewing, Forsythe, Hickman, Hughes, Lockett, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, White, Wickliff, Worthington and Yancey.

The 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th, were severally passed.

Ordered, That Mr. Wickliff carry the 2d, Mr. T. Ward the 3d, Mr. Lockett the 4th, Mr. Forsythe the 5th; Mr. P. N. O'Bannon the 7th, and Mr. White the 9th, to the House of Representatives, and request their concurrence in said bills.

The 6th was, on motion of Mr. Ewing, amended by way of engrossed ryder, and the title thereof, on motion of Mr. T. Ward, amended to read "an act regulating ferries on Big Sandy River, and for other purposes."

Ordered, That Mr. T. Ward carry the same to the House of Representatives, for their concurrence.

The title to the 8th was, on motion of Mr. Crutcher, amended to read "an act to regulate applications for new counties, and for other purposes."

Ordered, That Mr. Wickliff carry the same to the House of Representatives, and request their concurrence.

A bill for the formation of a new county out of parts of the counties of Adair, Wayne and Cumberland, was read a second time, and the question being taken on engrossing said bill and reading the same a third time, it was decided in the negative—Yeas 16, nays 13.

The yeas and nays being required thereon by Messrs. Bowman and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Carneal, Dawson, Ewing, Forsythe, Hughes, Lyon, Mayo, Muldrow, P. N. O'Bannon, Selby, Smith, T. Ward and White.

Those who voted in the negative, are, Messrs. C. Allan, Balingier, Beaty, Bowman, Crutcher, Daniel, Davidson, Dudley, Faulkner, Flournoy, Hickman, Howard, Lockett, Maccoun, W. B. O'Bannon, J. Ward, Wickliff and Yancey.

A message from the House of Representatives, by Mr. Spalding: *Mr. Speaker*—The House of Representatives concur in a resolution concerning the directory of the Bank of the Commonwealth of Kentucky, in which they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that said committee had laid before the Governor, for his approbation and signature, the bill last signed by the Speakers of both Houses.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled bill which originated in the Senate, entitled "an act for the benefit of Celia Maxwell."

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before the Senate, written communications, numbered 29 and 30.

And then the Senate adjourned.

THURSDAY, DECEMBER 16, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. W. C. Williams:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act for the benefit of William Warren, deceased; an act to legalize the proceedings of the Trustees of the Town of West Liberty; in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Chapeze:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to incorporate the St. Joseph's College of Bairdstown;" in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Brents:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for appropriating the vacant land in the state of Tennessee, between Walker's line and latitude 36 degrees 30 minutes;" in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Cunningham:

Mr. Speaker—The House of Representatives have concurred in an amendment made in the Senate, to a bill which originated in the House of Representatives, entitled "an act for the benefit of the Centre College," with an amendment, in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Secretary Barry:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives concur in an amendment made by the Senate, to a bill which originated in the House of Representatives, entitled "an act to establish the county of M'Cracken."

A message from the House of Representatives, by Mr. J. M. McConnell:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act declaring the powers of the town of Greenupburg, and for other purposes;" in which they request the concurrence of the Senate.

On motion of Mr. Dawson, a resolution from the House of Representatives, concerning the Directory of the Bank of the Commonwealth of Kentucky, was taken up, and being twice read, the same was concurred in.

Ordered, That Mr. Dawson inform the House of Representatives thereof.

Mr. Lyon presented a remonstrance of sundry citizens, against the petition for the division of Caldwell county; which was referred to the same committee to which said petition was referred.

Mr. Hughes presented the petition of the heirs of Hugh Fulton, deceased, praying the passage of a law authorizing the sale of certain slaves, &c.; which was read and referred to a select committee of Messrs. Hughes, W. B. O'Bannon and Daniel.

Mr. Yancey presented the petition of sundry citizens of Barren county, praying the passage of a law to compel plaintiffs in certain actions, to give security for costs; which was read and referred to the committee for courts of justice.

Mr. Dawson presented the petition of sundry citizens of the town of Scottville, praying the passage of a law authorizing the citizens of said town to elect Trustees therefor; which was, on motion, referred to a select committee of Messrs. Dawson, J. Allen and Selby.

Mr. Lockett presented the petition of Samuel Giles, praying a change of venue; which was referred to the committee for courts of justice.

On motion of Mr. Howard, the following message from the Executive, received on this morning, was taken up and read as follows, to wit.

Gentlemen of the Senate,

The sheriffalty of the county of Clay having been vacated by the removal of Pleasant Parker, late sheriff, I nominate for your advice and consent, Willie Hibbard, Esq. to fill said vacancy, and be commissioned for the residue of said Parker's term.

JOSEPH DESHA.

December 16th, 1824.

Whereupon it was resolved that the Senate do advise and consent to the said nomination.

Ordered, That Messrs. Ballinger and Howard inform the Governor thereof, the same being duly certified.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill to establish a ferry on Green river, opposite to the lands owned by Coleman Carter, on both sides of said river; which passed to a second reading.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill to amend the law concerning the Bank of Kentucky; which passed to a second reading.

Mr. P. N. O'Bannon, from the select committee raised for that purpose, reported a bill for the benefit of Richard B. Dallam; which passed to a second reading.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to authorize judicial attachments in certain cases; which passed to a second reading.

Mr. Beauchamp, from the select committee to which was referred a bill to re-organize the circuit courts, reported the same with a substitute, by way of amendment, in lieu of the whole bill, after the enacting clause; which was read as follows, to wit:

That hereafter there shall be two terms per annum, and no more, of the circuit courts in each of the circuits in this State.

§ 2. *Be it further enacted*, That hereafter, two circuit Judges shall sit in each of the circuit courts in this Commonwealth.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 15, nays 20.

The yeas and nays being required thereon by Messrs. C. H. Allen and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allen, Beatty, Beauchamp, Bowman, Crutcher, Davidson, Ewing, Flournoy, Forsythe, Hickman, Howard, Lockett, Maccoun, Muldrow and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Daniel, Dawson, Dudley, Faulkner, Hughes, Lyon, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, White, Wickliff and Yancey.

Mr. Beauchamp then moved to lay said bill on the table until the first day of June next, which was read as follows, to wit:

A bill to re-organize the Circuit Courts.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each circuit court shall hereafter consist of one circuit judge and two assistant judges, which assistant judges shall be residents in the county in which the circuit court shall be held, to which they shall be appointed. The circuit judge or the two assistant judges, or the circuit judge and one assistant, shall be sufficient to constitute a court; when the circuit judge alone, he shall not proceed to the trial of criminals, whose punishment, if convicted, would be capital or confinement in the jail and penitentiary; but the trial of such prisoner shall be continued over until the next term, unless the prisoner petitions the court to proceed to trial.

§ 2. *Be it further enacted*, That where a criminal case is continued in consequence of there being but the circuit judge, and neither the two assistant judges, nor the circuit judge and one assistant, do attend at the next term, the prisoner shall be bailed as of right, and the bail shall be according to his ability and the degree of his office. Where only the circuit judge attends, and the accused person petitions to be tried, but the jury do not agree in their verdict, it shall be no bar to his or her being bailed; and if he or she attend on the first day of the succeeding term, and render himself according to his recognizance, and there be not a sufficient court, on or before the third day, he shall be discharged.

§ 3. *Be it further enacted*, That before any assistant judge shall act as such, he shall swear, before some justice of the peace, that he will administer justice without respect of persons, and do equal right to the poor and the rich, and that he will faithfully and impartially discharge the duties of an assistant judge, according to the best of his abilities and understanding, agreeable to the constitution and laws of this Commonwealth; and a certificate of his oath or affirmation shall be recorded in the circuit court to which such assistant judge may be allotted or belong.

§ 4. *Be it further enacted*, That if neither a circuit judge nor the two assistant judges attend on the first day of any circuit court term, the court shall stand adjourned from day to day, until a court is made, should that happen before four o'clock of the afternoon of the fourth day.

§ 5. *And be it further enacted*, that the said assistant judges shall have power to award injunctions, writs of *ne exeat* and *habeas corpus*, in vacation, to operate within the circuit to which they belong.

§ 6. *And be it further enacted*, That the said assistant judges, by this act to be appointed, shall receive as a compensation for their services, two dollars per day out of _____ for each day they shall be engaged in the duties of their offices.

§ 7. *And be it further enacted*, That the said circuit judges shall preside in their respective courts, and pronounce the decisions, when attending the said courts; and in all cases where said court shall be divided in opinion, a majority shall rule.

§ 8. *And be it further enacted*, That nothing in this act contained, shall be construed so as to oust the present circuit judges of their respective offices; but said judges shall retain all the privileges and powers heretofore given them by law, except so far as herein excepted.

§ 9. *And be it further enacted*, That the clerks of the several circuit courts, who may be in office at the passage of this act, shall retain the same, and nothing in this act shall be so construed as to oust them of their respective offices, profits, privileges or perquisites; but they shall retain all the powers, privileges and authorities, as if this act had not passed.

§ 10. *And be it further enacted*, That nothing in this act contained, shall be construed to repeal any of the laws now in force, regulating the proceedings heretofore in the circuit courts of this Commonwealth, other than as excepted in this act; but the same are hereby continued in full force.

§ 11. *And be it further enacted*, That all acts or parts of acts, giving to justices of the peace the power to grant injunctions, writs of *ne exeat* and *habeas corpus*, be and the same are hereby repealed. This act shall take effect from and after its passage.

And the question being taken thereon, it was decided in the affirmative.—Yeas 20, nays 15.

The yeas and nays being required thereon by Messrs. Beauchamp and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Balingier, Beaty, Beauchamp, Bowman, Crutcher, Davidson, Dudley, Ewing, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, Maccoun, Muldrow, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Daniel, Dawson, Forsythe, Hughes, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward and Yancey.

And so the said bill was postponed.

A message from the House of Representatives, by Mr. Davis:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the children of David Knox, deceased," in which they request the concurrence of the Senate.

Mr. Maccoun, from the select committee raised for that purpose, reported a bill to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office; which passed to a second reading.

Mr. Faulkner, from the select committee raised for that purpose, reported a bill to punish trespassers; which passed to a second reading, when, on motion, the second reading thereof was dispensed with, and the bill was referred to the committee for courts of justice.

Mr. Maccoun, from the select committee to which was referred a bill to amend the law regulating the issuing of tavern licenses, reported the same with sundry amendments, which were severally concurred in; when, after some fruitless attempts further to amend the same, the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr. J. Allen, from the joint committee raised to act and report upon propositions in relation to the Penitentiary, &c. made the following report, to wit:

The joint committee appointed for the purpose of receiving and considering propositions which might be presented in relation to the Penitentiary, beg leave to make the following report:

That there have been no propositions submitted to your committee, other than those of Messrs. Scott and Hensley, which had been previously examined and considered by a committee of the House of Representatives, except a communication from General William Hardin, the present keeper of the institution. Your committee proceeded to examine and consider the said propositions, to wit, the bill predicated on the proposition of Mr. Joel Scott, as reported to the House of Representatives by the committee above alluded to, the proposition of Mr. Benjamin Hensley, and that of General Hardin, and concur in the opinion that the bill now referred to them, appointing the said Scott the Keeper of the Peni-

penitentiary, is best calculated to promote the interest of the institution.

Your committee would here remark, that they are impressed with a belief that a change in the management of the Penitentiary institution, is essential, not only with a view of effectuating the objects contemplated by its founders, in punishing and reforming those unfortunate individuals who may so far lose sight of their social and religious duties, as to incur the forfeiture of their liberties, but upon principles of economy. When your committee reflect, that that institution does not sustain its own expenses, from the number of victims which are immured in it, they are of opinion that there must be some radical error; but whether it be in the laws governing and regulating the institution, or the administration of those laws, they will not attempt to predict. For these reasons they would recommend the change, in the adoption of the proposition from Mr. Scott.

Your committee would also suggest, that they are not disposed to favor a plan of hiring out the institution and its devoted inmates, for a fixed salary, believing that such a course would not be in accordance with the design of its founders, nor compatible with the equitable rules of government, whose only object is, and ought to be, an indemnity from loss, while the offenders atone to that government for the violation of its social order. Mr. Scott's proposition is, to receive a portion of the proceeds of the institution, in lieu of a fixed salary from the treasury and the per centum heretofore allowed the keeper, or either of those funds.

Your committee cannot accede to the proposition of Mr. Hensley, for the above reasons; nor can they approve the one from General Hardin, because it is too indefinite, not stipulating what sum of money would be adequate to sustain or revive the institution. Indeed, neither of the propositions made by those gentlemen were so much in accordance with the views of your committee, as the one to which they have herein given their approbation.

Your committee, therefore, pray to be discharged from the further consideration of this subject.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill to provide for fixing upon a central point whereon to establish the permanent seat of government of this Commonwealth; which passed to a second reading.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. T. Ward—1. A bill for the erection of a new judicial district.

On motion of Mr. Mayo—2. A bill for the benefit of the securities of Stephen Harper, sheriff of Floyd county.

On motion of Mr. Beauchamp—3. A bill to amend an act entitled "an act to improve and keep open the navigation of the

Beech Fork of Salt river, and other water courses," approved December 26, 1805.

Messrs. T. Ward, Mayo, C. Allan and Hughes were appointed a committee to prepare and bring in the first; Messrs. Mayo, T. Ward and Forsythe, the second; and Messrs. Beauchamp, Wickliff and Crutcher, the third.

Mr. Hughes, from the select committee raised for that purpose, upon the petition of said heirs, reported a bill for the benefit of the heirs of Hugh Fulton, deceased; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to the committee for courts of justice, for amendment.

On motion of Mr. Hickman, a resolution which originated in the House of Representatives, entitled "a resolution for appointing a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth," (the substitute offered by the select committee to which said resolution was referred, being under consideration,) was taken up.

Mr. Beauchamp moved to strike out the 4th resolution and preamble to the same, which were read as follows, to wit:

"And whereas it is considered necessary and proper, that the amount of said notes in circulation should be diminished speedily, and that to increase the calls upon all its debtors, would, under existing circumstances, be unjust, unwise and impolitic, and probably cause a reaction: For remedy whereof,

"4. *Be it further resolved*, That the present calls shall be strictly and rigidly enforced, in all cases, and the amount thus withdrawn, filed away as now directed by law, and that the President and Directors of the principal bank and each of its branches, shall have the power of increasing the calls, in such cases as they may think proper, not exceeding — per cent. per month, to be paid as heretofore; and that in addition to the report which said bank and branches are now by law required to make, they shall also report the calls in all cases hereafter made by said President and Directors, noting any and every defaulter."

And the question being taken thereon, it was decided in the affirmative—Yeas 31, nays 1.

The yeas and nays being required thereon by Messrs. Dudley and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Beauchamp, Bowman, Crutcher, Daniel, Davidson, Dawson, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Hughes, Lockett, Lyon, Maccoun, Mayo, Moldrow, P. N. O'Bannon, Selby, Smith, J. Ward, T. Ward, Wickliff, Worthington and Yancey.

Mr. Dudley voted in the negative.

The question was then taken on concurring in the amendment proposed by the committee, and the vote was, for concurring 18, against the same 13; whereupon, the Speaker voting in the affirmative, said substitute was adopted.

The yeas and nays being required thereon by Messrs. Beauchamp and Hughes, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Dudley, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Ewing, Faulkner, Flournoy, Hickman, Howard, Lockett, Lyon, Muldrow, W. B. O'Bannon, J. Ward, White and Wickliff.

A further amendment being moved to said resolution, without coming to a decision thereon, the Senate adjourned.

FRIDAY, DECEMBER 17, 1824.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that said committee had examined an enrolled bill entitled "an act to establish the county of M'Cracken," and had found the same truly enrolled; and that the Speaker of the House of Representatives having signed the same, it was now presented for the signature of the Speaker of the Senate.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same was delivered over to the proper committee, to be laid before the Governor for his approbation and signature. After some time, Mr. Lyon reported that said duty was performed.

Mr. Davidson presented the petition of John B. Wilkinson, praying for a change of venue for the trial of an indictment against him; which was read and referred to a select committee consisting of Messrs. Davidson, Flournoy and Beaty.

Mr. Denny presented the memorial of Ben. Shrieve and Timothy M. Bryan, remonstrating against the act of the last session of the General Assembly, granting to William L. Todd a ferry across the Ohio river at Portland; which was read and referred to the committee for courts of justice.

Mr. C. H. Allen, from the committee for courts of justice, reported a bill for the benefit of the widow and devisees of Levall Dickerson, deceased; which passed to a second reading.

A message from the House of Representatives, by Mr. Hodge:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the divorce of Sally Buster;" in which they request the concurrence of the Senate.

Mr. Howard, from the select committee to which was referred a bill for the benefit of securities, (which was heretofore called up by re-consideration,) reported the same with a substitute, by way of amendment, in lieu of the whole bill; and the question being taken on concurring in the substitute, it was decided in the affirmative.

Mr. Bowman offered the following amendment:

Provided, however, this act shall not be so construed as to affect contracts heretofore made.

And the question being taken on the adoption of said amendment, it was decided in the negative—Yeas 14, nays 22.

The yeas and nays being required thereon by Messrs. Dudley and Howard, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Bowman, Carneal, Davidson, Denny, Dudley, Faulkner, Hickman, Hughes, P. N. O'Bannon and Selby.

Those who voted in the negative, are, Messrs. Ballinger, Beaty, Beauchamp, Crutcher, Daniel, Dawson, Ewing, Flournoy, Forsythe, Howard, Lockett, Lyon, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, T. Ward, White, Wickliff, Worthington and Yancey.

Mr. J. Allen offered an amendment, requiring that each bond, &c. hereafter executed and sued on under the provisions of this act, shall clearly set forth on the face thereof, who are the principal or principals, and who are the security or securities; which was rejected.

Mr. Flournoy offered an amendment, which was adopted.

Mr. Beauchamp offered a further amendment thereto, when

Mr. Carneal moved to lay said bill and amendments on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yeas 14, nays 21.

The yeas and nays being required thereon by Messrs. Lockett and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Bowman, Carneal, Davidson, Dawson, Dudley, Faulkner, Hickman, P. N. O'Bannon, Selby and White.

Those who voted in the negative, are, Messrs. Ballinger, Beaty, Beauchamp, Crutcher, Daniel, Denny, Ewing, Flournoy, Forsythe, Howard, Hughes, Lockett, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, T. Ward, Wickliff, Worthington and Yancey.

The question was then taken on the adoption of the amendment offered by Mr. Beauchamp, exempting the property of a security from execution and sale, until the property of the principal be exhausted, and thereupon the same was adopted—Yeas 20, nays 15.

The yeas and nays being required thereon by Messrs. C. H. Allen and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Bowman, Carneal, Davidson, Dawson, Dudley, Ewing, Forsythe, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Crutcher, Daniel, Denny, Faulkner, Flournoy, Hickman, Howard, Hughes, Lockett, Muldrow, Smith, T. Ward and Wickliff.

On motion, the bill and amendments were committed to a select committee of Messrs. Flournoy, Howard, Beauchamp, Yancey, T. Ward and J. Allen, for amendment.

Mr. Carneal, from the select committee to which was referred so much of the Governor's message as relates to internal improvements, made the following report, to wit:

THE committee to whom was referred so much of the Governor's message as relates to internal improvements, have taken that subject into consideration, and would now respectfully report:

They are of opinion that the best interests of Kentucky demand that all her energies should at this time be united in favor of internal improvements. She has at all times been their warm advocate; but, as yet, your committee have to regret that she has not earnestly given her attention to this great and interesting subject, so deeply involving her future prospects and resources. When we look around to some of our sister States, especially to New-York and Pennsylvania, we find ourselves far behind, even in preparatory measures, which are calculated to promote our most substantial interests; yet the success which their efforts have met with, ought to encourage us to commence and persevere to the completion of some of the most prominent improvements within our reach. Kentucky is remotely situated from market; the great outlet to the ocean is obstructed; and although blessed with a soil rich beyond comparison, yet surrounded with difficulties too numerous to detail, she has literally struggled through mud and mire, to wealth and opulence. One moment's reflection ought to convince every reflecting mind, that unless the farmer has a good road along which to transport the produce of his farm cheaply and expeditiously, it is in vain that a bountiful Providence smiles, the genial rains descend, or abundant crops pour out their stores before him; his contingent expences eat up

his profits, and he returns to his home and family often dispirited and ruined. These things happen daily before our eyes; yet we talk, and write, and fold our arms, as if our roads could be turn-piked, and our canals dug, without the aid of human means. It is high time for us to awake. Experience has already pointed out to us, that no State in the Union has worse roads or more uncertain water courses. The very nature of our soil, in the most populous part of our State, makes the roads almost impassable for loaded wagons, from three to five months in the year, and such as can get along, cannot carry more than half what they ought. These facts are so obvious, that it is only necessary to name them, for all to see that we have hitherto been thrown into difficulties by the *supposed* conflicting interests of different parts of the State. Because we cannot do *all at once*, we have not done *any thing*. Because we have not been *able* to furnish money enough to turn-pike *all our main roads*, and cut a canal around the Falls, we have stood still and done nothing. Your committee would correct the error of neglecting all, because all cannot be accomplished at once. The farmer cannot clear his lands, make his fences, build his houses, plant his orchards, divide his grounds into meadow, pasture and tillage, in a year. He must open his lands by degrees, and progress with his improvements as his strength and his means will permit. By a succession of years and well-directed industry, he accomplishes the whole arrangements and improvements of his farm. The prudent man selects out of all the various improvements which he intends, and begins with that which is most pressing, and most conducive to aid him in accomplishing the residue. The builder cannot begin at the roof, and go down to the base; a city cannot rise, but by progressive and successive improvements.

As we cannot accomplish at once, all the great objects of improvement which are desired, let us not, by disagreement, fail in all. Let us look for and select that for the first object of our efforts, which is most important and promises the greatest usefulness, and so on in succession. The river Ohio is presented to our consideration, as the great channel of communication, not only between the different parts of our own State, but also with others of the United States and with foreign nations. From the mouth of Big Sandy to its own mouth into the Mississippi, the Ohio washes the soil of this State. It receives the Tennessee, Cumberland, Green river, Salt river, Kentucky, Licking and Sandy, seven principal rivers, (not to mention minor streams,) which, with their various branches, interlock and extend into the State of Kentucky, heading in the mountains and running through the whole State, in such variety of channels, that they form the natural avenues of communication, not only for the external, but for the internal commerce of the State. Look on the map, and it is seen at a

glance, that the Ohio river connects the communication by water, between those who inhabit the waters of Tennessee, and Cumberland, and Green river, and Salt river, with those who inhabit the waters of the Kentucky, Licking and Big Sandy; that the Ohio opens the communication between the whole State of Kentucky, with all the rivers running into the Ohio on the north and north-west; that it connects the water communication from Kentucky, with Virginia, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Louisiana, Mississippi, Alabama and Tennessee. The Ohio may then be declared to be the great highway of the water communication among the people of Kentucky, as also between the inhabitants of Kentucky and those who inhabit the tributary streams of the Ohio and of the Mississippi. The Ohio is to us, like the great passage in a spacious, lofty and commodious building, from and through which a communication may be had to all the apartments, from the basement to the garret.

But in the Ohio the great rapids at Louisville make an obstruction in the ascending and descending commerce, for a great portion of the year. These falls are about midway between the upper and lower extremities of Kentucky. The obstruction to the descending commerce is known and felt. The obstruction to the ascending commerce is not so generally experienced; but yet the effects are worthy of the most serious consideration. It breaks the communication between the citizens of Kentucky, inhabiting the waters which empty into the Ohio below the falls, and those who inhabit the streams mouthed above. It interrupts the communication between those inhabiting the waters mouthed below the falls, and all the waters which mouth into the Ohio on the north and south-west. So it breaks the communication between those inhabiting the waters above, and those inhabiting the waters below, mouthed on the north and north-west of the Ohio and Mississippi. This obstruction of commerce is of general inconvenience to the whole community; for in a free and unrestrained commerce all the members of this community are interested. The removal of that obstruction cannot be properly considered as local, nor should it be considered as a boundary between the interests of the upper and lower country. It interests the people inhabiting the lower, as also the upper country, to have the great valley of the Ohio and its tributary streams opened to their free and unobstructed enterprise. The great valleys of the Mississippi and of the Ohio, having but one outlet to the Ocean, and but one great home market for their productions, labor under great depressions of prices at New-Orleans. The sudden influx of produce at one season of the year, at New-Orleans, produces a sudden and unexampled competition among sellers of the productions of the west. This requires a vast capital in that city, to sustain such competition, and keep it up to regular prices.

The local situation and the climate have a tendency to counteract, in a great degree, permanent investiture of capital at New-Orleans, and to retard the regular increase of that capital, so necessary to purchase and send abroad such a surplus of industry and labor, as is every year vended there, and which is increasing with the multiplication of men and their industry.

In the Atlantic States, each has various outlets to the Ocean, and various markets in which their surplus productions are divided and distributed. In this great valley, the Mississippi alone can convey our products to the Ocean. To open every communication between all the States west of the Alleghany, to search every avenue of free exchange, is important to all. As to Kentucky, we may safely say that the Ohio is the great channel of her commerce, and the obstruction at the falls is the object of the first moment, and first in order for the employment of her resources. It is recommended, also, by the facility which the profits derived from the canal, will give for accomplishing other objects of internal improvement. Let us, therefore, unite in cutting a way around that point, before we expend our money on objects of less magnitude; and the time has arrived, when we believe that we may justly be charged with a criminal negligence to our country, to delay the great object any longer; and we are convinced, that the people of the west, as well as the peculiar interests of Kentucky, *loudly demand it.*

A few reflections, however, will, we hope, convince the Legislature that we ought to do it ourselves, and that it is *impolitic* to permit any other State to interfere. In the first place, we are able to do it; and secondly, it will be a source of great revenue. Our means are ample, if we employ them right, and we ought not to permit so favorable an opportunity to pass away, when we can invest our money in so useful and productive a fund. States may be compared to individuals; and here we may ask, what prudent man will let his resources lie dormant, or bury his means of increasing his wealth, or permit the same to be wasted, without making a single struggle to make it permanently useful? And the experience of all countries which have made canals, proves that money cannot be more profitably laid out. The expence of constructing this canal, is estimated at from three hundred to three hundred and fifty thousand dollars, on the Kentucky side. This calculation is made by the most experienced engineers, and although made by different individuals, has never exceeded that sum; and all the calculations were made when the price of labor greatly exceeded what it could now be got for, or what it probably will be for several years to come. These considerations induce your committee to believe that the estimates are fully as great as the work will actually cost. To effect this great object, the resources of the State are entirely sufficient, *and are at this time un-*

productive. The State capital in the Bank of Kentucky, amounting to nearly \$600,000, may be employed as it is gradually paid in, together with a portion of the future sales of land, which, aided by other disposable means, will at once place us in an attitude to do much for our country. This investment becomes more important, as the banking system is in a fair way to wind itself up, and the profits resulting from it are diminishing every year. These institutions were designed for a *crisis*, which is rapidly passing away.

And we again remark, that the state of Kentucky has always been loud in applauding those members of Congress who have been struggling for internal improvements, and as yet, we have done nothing for ourselves, and it is a matter of some interest to enquire, what is to become of *our funds*, when the banks wind up their business? Our revenue is diminishing yearly, on account of the decrease in the value of property, and the means of supporting government must be provided. Shall we exhaust our *capital stock*, or shall we apply it to great and useful purposes, which will promote our greatest interest, as well as give Kentucky a stand in the foremost ranks among the states of the west? We have talked long enough; it is now high time to act, and we cannot fail, if we concentrate our means in earnest. The commerce of our country has languished for years, on account of the uncertainty of reaching market. Let us now open this important canal. All the states bordering on the Ohio river, are deeply interested in it. Steam boats are building daily, and the enterprise of our citizens only wants encouragement to display itself. The toll of this canal, together with the profits arising from the use of dry docks, would constitute a permanent revenue, and would, at the most moderate calculation, yield a sum equal to thirty-five or forty thousand dollars annually, in gold and silver, which, in a little time, would enable us to extend the turnpiking system to the most important roads in our country. It would then be a matter of great importance to our farmers, to transport the produce of their farms to the banks of this great river, from whence small steam boats could take it at any season of the year, and indeed, we look forward to the time as not being very distant, when our trade will extend east as well as south. If the contemplated canal is cut so as to unite the Potomac with the western waters, a rich prospect will open before us, and which will give full vent to the rich productions of a soil unequalled for fertility. Thus we see, that the present moment is an important one. We may produce the means of eventually supporting the government with but little direct taxation. Hence this must be a measure worthy of the attention of a wise Legislature, and your committee cannot avoid here remarking upon the impolicy of dividing our means on too many projects at once. The united attention of the state should be directed to one and the same object, and if we see

ceed in our views in relation to the canal, it will, in a very few years, aid in turnpiking our roads to the margin of a stream which is essential to our commercial intercourse with every part of this great confederated Republic; and as it is certain that we cannot now do all we wish, it is to be hoped that we will vest our money at least where it will be most productive, and even should the Legislature not be willing to appropriate her funds in the old State Bank to a new purpose, we still can use a portion of the school fund, which will be much more permanently secured, than in its present uncertain condition. But even these resources may all be aided by creating canal stock, with power to issue notes bearing interest and redeemable at the pleasure of the Legislature, at any time after twelve months from the time the canal is completed. In this way, the canal could be made to dig itself, or even monied capitalists would be glad to advance the funds on a moderate interest, to effectuate so laudable an enterprize, especially if they could once see that the Legislature had taken the subject up in earnest. And to encourage us in this matter, we have only to look to New-York. That state has been able to make a canal nearly three hundred and sixty-five miles in length, upon loans, to repay which the faith of the state is pledged, and which is at this time, yielding near one hundred thousand dollars a year revenue. And shall it be said, that Kentucky cannot cut a canal only *two miles in length*, when a portion of that distance is mainly composed of sand and gravel? And when we again reflect, that a large portion of the trade of six states, must eventually pass through this canal, your committee confidently believe, that the proceeds of the same will far exceed any calculation yet made, and will constitute an *exhaustless source of revenue*, as long as the waters of the *Ohio continue to flow*, which ought to inspire us with an increased disposition to undertake this work immediately.

Your committee would further suggest, that the land through which the proposed canal will pass, belongs to private individuals, and we are well assured, that it can be procured at a reasonable valuation *at this time*; and unless the state embraces the opportunity presented to them of acquiring title to said lands, such another offer may never be made, as private individuals are now waiting to organize a company to effect this great object by individual enterprize. We, therefore, view the *present session* of the Legislature as passing through a *crisis*, which may never present itself again.

There is another consideration why your committee would urge the commencement of this work at the present time, viz. The Congress of the United States have long turned their attention to the erection of an *Armory* in the western country, and it is believed that they are waiting to see what course Kentucky will take in relation to the canal at Louisville. If this work is put into imme-

diate operation, its location is confidently looked for at this important point, which will at all times furnish water power to any extent that may be wanting, to turn all and every portion of the machinery usually required in an armory.

Your committee are informed from good authority, in which they can confide, that the fall of water in the canal will be about twenty-two and one half feet, which will be sufficient for an armory and any other machinery for manufactures, which may be required or wanted; so that the state might derive an additional revenue from the sale of water privilege from the canal; and when we examine the local situation of Louisville, we are at once convinced that it must, at no distant period, be the *grand depot* of the trade of Kentucky, as nature seems to have combined more advantages at this point than any other. It therefore becomes us, to improve them to the extent of our means.

Your committee have also had under their consideration, the message of the Governor, enclosing sundry documents and resolutions of the Legislature of Ohio, to them referred, and they cannot but highly appreciate the enlightened report of Messrs. Bates and Kelly, made to the Governor and Legislature of that State. They are also fully impressed with the generous offer made by that state, to aid the state of Kentucky in her efforts to complete this work; and if your committee did not believe that we were able to make this canal ourselves, and that it was our interest to do so, it might become a question of some importance, how far it would be advisable to accept the proposed aid; but entertaining a contrary opinion, we cannot hesitate in recommending to the Legislature the undertaking by this state alone, and then we would be free from the embarrassing partnership connections, which might not result in that harmony so much desired with our sister state; and more especially when it is believed that we possess the means and the will to do the work within ourselves; and when we reflect upon the great revenue to be derived from the numerous boats passing up and down the great river Ohio, together with the sale or leasing of water power, including the use of dry docks to repair the steam boats, your committee are convinced that two or three years, or at most five years, will repay the state all the expences, and afterwards yield a net income of upwards of one hundred thousand dollars per annum. We could not, under all these circumstances, accept the offers made us by the State of Ohio.

Your committee have also taken into their consideration, the state and condition of our public roads; and notwithstanding we believe them to be in the most deplorable condition, and to require the attention of the Legislature, yet they cannot recommend that the resources of the country be diverted from the great object of the canal, as it will be the most productive and permanently useful to the state, which is a consideration that operates on the minds

of the committee at this time, with great force; and should Congress determine to erect an armory at this point, it will require but a very limited capacity to discover, that it must eventuate in immense advantages to the state, as it will increase the demand for every kind of surplus produce.

But even if any other site is selected within this state, it must necessarily result in a direct communication with this place, and operate as a strong inducement for its location at some point, from whence an easy communication to the Ohio river must be had.

Your committee deem it unnecessary to go into detail as to the calculation of the cost of this work, or the profit which will result from it. Experience has already proved, not only in England and France, but recently in the state of New-York, that money vested in canals, generally has produced from twenty-five to one hundred per cent. interest upon the original cost; and, indeed, in many instances your committee believe it has produced much more, in the populous and commercial parts of England and Holland. These are facts which are fully demonstrated and proved, in the able reports of the commissioners from Ohio, who explored and surveyed the site for a canal at Louisville, during the fall of 1823, and on the opposite bank, commencing near Jeffersonville. The estimate of the whole cost on the Kentucky side, as made by Judge Bates, was \$306,048 28, and that on the Indiana side amounted to \$533,048 28; so that we evidently have the advantage greatly on our side of the river, and your committee are warranted in saying, that the intelligent men in many of our sister states, are astonished that we have so long neglected to cut this canal, and improve the means nature has thrown into our hands, from which we may, in a few years, nearly relieve our citizens from any kind of taxation, or leave us free to direct our resources to the improvement of our roads; and your committee are well convinced, that the road to wealth and prosperity always consists in good roads to market, as well as the industry and enterprize of our citizens.

We, therefore, under a full conviction of the great advantages to this state, of having a canal round the Falls of Ohio at Louisville, on the Kentucky side, beg leave to recommend the adoption of the following resolutions, viz.

1. *Resolved by the Senate of Kentucky*, That a canal ought to be made around the Falls of the Ohio river, on the Kentucky side, and that the work ought to be commenced the ensuing season.
2. *Resolved*, That the said canal ought to be constructed by this state exclusively, and that a sufficient sum of our disposable funds ought to be appropriated for that purpose.

THOMAS D. CARNEAL, *Chairman*.

Ordered, That the public printers forthwith print 150 copies of said report, for the use of the General Assembly.

Mr. Mayo, from the select committee raised for that purpose, reported a bill for the benefit of the securities of Stephen Harper, late sheriff of Floyd county; which passed to a second reading; when, on motion, the rule constitutional provision and second and third readings of said bill were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Mayo carry the same to the House of Representatives, and request their concurrence.

Mr. Carneal, from the select committee to which was referred a bill concerning officers' fees, reported the same with amendments.

Mr. Crutcher moved to lay said bill and amendments on the table until the 10th day of June next; and the question being taken thereon, it was decided in the negative.

On motion of Mr. Denny, the bill and amendments were committed to a select committee of Messrs. Denny, Carneal, C. H. Allen, Beauchamp and Forsythe, for amendment.

And then the Senate adjourned.

SATURDAY, DECEMBER 18, 1824.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred the petition of Samuel Giler, reported thereupon a bill to change the venue in the case of Samuel Giler; which passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings of said bill were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lockett carry the same to the House of Representatives, and request their concurrence.

Mr. C. H. Allen, from the same committee, to which was referred a bill for the benefit of the heirs of Hugh Fulton, deceased, reported the same without amendment; whereupon said bill was ordered to be engrossed and read a third time on Monday next; when, on motion, the rule, constitutional provision and third reading of said bill were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. C. H. Allen, from the same committee, to which was referred the petition of Shrieve and Bryan, made the following report, to wit:

The committee for courts of justice have, according to order, had under consideration a memorial of Benjamin Shrieve and Timothy N. Bryan, remonstrating against the establishment of a ferry across the Ohio river at Portland, and praying a repeal of the law establishing the same, and have come to the following resolution thereupon, to wit:

Resolved, That said memorial *be rejected*.

Mr. Denny moved to strike out the words "*be rejected*," and to insert in lieu thereof "*is reasonable*;" and the question being taken thereon, it was decided in the negative; when, on motion of Mr. Denny, leave was given that the petition of said Shrieve and Bryan, be withdrawn.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under their consideration a petition to them referred, praying for the formation of a new county out of parts of the counties of Gallatin, Oldham and Henry, and have come to the following resolution thereupon:

Resolved, That said petition *be rejected*.

Which being twice read, was concurred in.

Mr. Dudley, from the select committee to which was referred a bill concerning occupying claimants of land, reported the same with sundry amendments; which were severally concurred in.

Ordered, That the public printers forthwith print 150 copies of said bill as amended, for the use of the General Assembly.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill for the erection of a new judicial district; which passed to a second reading.

Mr. Faulkner, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of Marcus Huling and others," reported the same with a substitute, by way of amendment, in lieu of the whole bill, after the enacting clause; which being further amended, and the question being taken on the adoption of said substitute, it was decided in the affirmative.

Ordered, That said bill, as amended, be engrossed and read a third time on Monday next.

Mr. Hughes, from the select committee to which was referred the report and resolutions of the committee, relative to the decisions of the Supreme Court of the United States on the occupying claimant laws of this Commonwealth, reported the same with amendments, which were severally concurred in.

The question was then taken on concurring in the first resolution contained in said report, (the same being twice read,) and it was decided in the affirmative—Yeas 28, nays 5.

The yeas and nays being required thereon by Messrs. Davidson and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beatty, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hickman, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Bowman, Davidson, Faulkner and Wickliff.

The second resolution being twice read,

Mr. C. H. Allen moved to commit the same to a committee of the whole house on the state of the commonwealth for Tuesday next; when a division of the question being called for, and the question being taken on committing, it was decided in the affirmative; whereupon, the motion to commit for Tuesday was withdrawn, and Monday fixed upon by the Senate for that purpose.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information, that the Governor did on the 17th instant, approve and sign an enrolled bill which originated in that house, of the following title, to wit: "An act to establish the county of M'Cracken."

A message from the House of Representatives, by Mr. Oldham:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to authorize a sale of a part of the public square in the town of Irvine and county of Estill;" in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

The Speaker laid before the Senate the following communication from Langston and Charles P. Bacon, to wit:

FRANKFORT, DECEMBER 18th, 1824.

To the honorable Robert B. M'Affee, President of the Senate of Kentucky.

SIR—We have for some time had it in contemplation to submit to your body, a proposition for the control and management of the Penitentiary institution; but the proposition of our friend, Mr. Hensley, induced us to withhold ours until this time. From a recent conversation with him, we find there will be no interference. We, therefore, through you, submit the following proposal:

We are willing to take it for seven years, and to pay the state \$3,000 per annum, and to be governed by any laws which the State Legislature may think proper to enact upon the subject. We will guard the state against any loss, charge or expence, ex-

cept from fire, the acts of Providence, and the expence of buildings and machinery, by bond with ample security. The articles we contemplate manufacturing, will consist chiefly of cotting bagging, shoes and iron materials. To carry into effect the first, and we deem the most useful branch to the community, we shall be under the necessity of erecting a suitable building, the walls of which will be of stone, and in dimensions about 200 feet long by 50 wide, and about eight feet high, the upper part of which to be used for chain spinners, and the lower for looms, &c. The erection of this building and machinery, will necessarily be attended with considerable expence, and which we should wish to be valued by competent persons, and taken at said valuation, towards the discharge of the first and second years' rent, believing that nearly the first year will be consumed in the erection of said building, &c.

We would wish the institution to be cleared of all its present manufactured and raw materials, as we would prefer having nothing to do with them. We should, however, need all the tools, &c., an inventory of which should be taken, to be accounted for at the expiration of the term, or at stated periods, at the discretion of your body.

We would moreover wish the convicts delivered to us comfortably clothed for the approaching inclement season, without which man is destitute of all his energies; and in regard to their treatment, we are willing to be governed as you may dictate. We will respectfully remark, that the present mode of punishment, by stripes, is in opposition to our ideas of principle; and think that in the event of a change, the tread-wheel or solitary confinement should be adopted.

Should your body deem our proposition worthy of attention, we hold ourselves in readiness to give any farther explanation which may be required for the investigation of the subject. The season for putting up the necessary year's provisions is fast wearing away; consequently, we respectfully request a speedy conclusion.

We remain, with sentiments of high regard, yours, &c.

LANGSTON AND CHARLES P. BACON.

Which being read, was laid on the table for the present.

Mr. Dawson, from the select committee to which was referred the petition of the citizens of the town of Scottville, reported thereon a bill to amend an act entitled "an act to regulate the town of Scottville, and for other purposes;" which passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dawson carry the same to the House of Representatives, and request their concurrence.

Mr. Davidson, from the select committee raised for that purpose, reported a bill for the benefit of the heirs of David Logan, deceased; which passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Beaty, leave was given to bring in a bill for the benefit of Rebecca Adams. Messrs. Beaty, Davidson and Faulkner, were appointed a committee to prepare and bring in the same.

On motion of Mr. Lyon, the following message was taken up and read, to wit:

Gentlemen of the Senate,

Agreeably to the provisions of the constitution, and of an act of the present General Assembly, establishing the county of McCracken, approved on the 17th of this month, I nominate for your advice and consent, the following officers for that county, who have been properly recommended to me, to be commissioned according to law:

James Martin, Esq. sheriff; Andrew Lovelace, Esq. coroner; Isaac Lovelace, Jacob King, Philip Williams, William Hazard, Arthur P. Thompson, Jesse Doolin, Samuel Hunsucker, Joseph Daniel and George Adams, Esqrs. justices of the peace; John Marshall and Joseph Owen, Esqrs. assistant judges.

JOSEPH DESHA.

December 18th, 1824.

Whereupon, it was resolved that the Senate do advise and consent to the said nominations severally.

Ordered, That Messrs. Lyon and Ewing inform the Governor thereof, the same being duly certified.

The following message was also read, to wit:

Gentlemen of the Senate,

and of the House of Representatives,

I have the honor to transmit enclosed herewith, for your consideration, an amendment to the Constitution of the United States, proposed by a resolution of the Legislature of the State of Georgia, passed December 22d, 1823; and also, at the request of the Executives of the States of Ohio and Maine, copies of certain resolutions of the Legislatures of those States, concerning the said amendment.

December 15, 1824.

JOSEPH DESHA.

IN SENATE, December 17th, 1823.

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby resolved by the authority of the same, That the following shall be proposed as an amendment to the Constitution of the United States:

That no part of the Constitution of the United States ought to be construed, or shall be construed to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the laws of such State.

And that his excellency the Governor be, and he is hereby requested to communicate this resolution to the Governors of the different States, with a request that the same may be submitted to their respective Legislatures; and that he do also communicate the same to our Senators and Representatives in Congress.

THOMAS STOCKS,

President of the Senate.

DAVID ADAMS,

Speaker of the House of Representatives.

Approved December 22, 1823.

G. M. TROUP, *Governor.*

Resolved by the General Assembly of the State of Ohio, That it is inexpedient to make the amendment to the Constitution of the United States, as proposed in the resolution from the State of Georgia, passed the 22d of December 1823.

Resolved further, That his excellency the Governor of this State be, and he is hereby requested to communicate these resolutions to the Executive of the State of Georgia, and the Executive of the different States, with a request that the same may be submitted to their respective Legislatures.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

Feb. 7, 1824.

STATE OF MAINE.

Resolve disapproving the amendment to the Constitution, proposed by the State of Georgia.

Resolved, That the alteration of the Constitution of the United States, proposed by the State of Georgia, on the 22d day of December 1823, "That no part of the Constitution of the United States ought to be construed, or shall be construed to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the laws of such State," be, and the same is hereby disapproved by the Legislature of this State; and the Governor is hereby requested to transmit a copy of the foregoing resolution to the Executive of each of the United States.

Read and passed.

BENJAMIN GREEN, *Speaker.*

In Senate, Feb. 16, 1824—Read and passed.

JOHN M'DONALD, *Pres't. pro tem.*

February 17, 1824—Approved.

ALBION K. PARRIS.

Whereupon, it was ordered that said message be referred to a select committee of Messrs. C. Allan, Denny and Carneal.

The following message was then read, to wit:

Gentlemen of the Senate,

and House of Representatives,

A communication was received some time since, from the Executive of the state of Ohio, enclosing certain resolutions of the Legislature of that state, concerning the emancipation of slaves, with a request that the same be laid before the General Assembly of Kentucky, for their consideration. In compliance with that request, I have the honor to communicate to you the accompanying copies of the aforesaid resolutions.

JOSEPH DESHA.

December 15, 1824.

RESOLUTIONS PROPOSING THE EMANCIPATION OF SLAVES.

Resolved by the General Assembly of the State of Ohio, That the consideration of a system providing for the gradual emancipation of the people of colour, held in servitude in the United States, be recommended to the Legislatures of the several states of the American Union, and to the Congress of the United States.

Resolved, That in the opinion of this General Assembly, a system of foreign colonization with correspondent measures might be adopted, that would in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government, with the consent of the slave-holding states, which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, being supported during their minority, by the persons claiming the service of their parents, providing they consent to be transported to the intended place of colonization. Also,

Resolved, That it is expedient that such a system should be predicated upon the principle that the evil of slavery is a natural one, and that the people and the states of this Union, ought mutually to participate in the duties and burthens of removing it.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolutions to his Excellency the Governor of each of the United States, requesting him to lay the same before the Legislature thereof; and that his Excellency will also forward a like copy to each of our Senators and Representatives in Congress, requesting their co-operation in all national measures, having a tendency to effect the grand object embraced therein.

JOSEPH RICHARDSON,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

Jan. 17, 1824.

And the said message being read, was, for the present, laid on the table.

A message from the House of Representatives, by Mr. New:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to provide for the sale of the vacant land west of the Tennessee river;" in which they request the concurrence of the Senate.

On motion of Mr. Denny, a bill from the House of Representatives, entitled "an act for the benefit of the Louisville Hospital," was taken up, the amendment contemplating a reduction of the appropriation, &c. being under consideration; and the question being taken on adopting said amendment, the same was rejected. Said bill was thereupon ordered to be read a third time, which being done,

The Senate adjourned.

MONDAY, DECEMBER 20, 1824.

The Senate assembled.

Mr. Denny presented the petition of Bernard M. Markham, praying that the claim of the State to certain lands stricken off for taxes, may be released; which being read, was referred to the committee for courts of justice.

Mr. Faulkner, from the committee of privileges and elections, made the following report, to wit:

The committee of privileges and elections have, according to order, had under consideration the returns from the senatorial districts, and do report the following gentlemen elected, to wit: From the counties of Caldwell, Livingston, Hickman and Calhoun, Chittenden Lyon; Trigg, Todd and Christian, Young Ewing; Butler, Grayson and Muhlenberg, William Worthington; Logan and Simpson, Presley N. O'Bannon; Allen and Warren, Anack Dawson; Barren, Joel Yancey; Cumberland and Monroe, Granville Bowman; Hardin, Bullitt and Meade, James Crutcher; Green and Hart, James Allen; Jefferson, James W. Denny; Nelson, Martin H. Wickliff; Washington, Jeroboam Beauchamp; Henry, Charles H. Allen; Shelby, Samuel W. White; Mercer, Samuel Maccoun; Garrard, John Faulkner; Knox, Harlan, Clay, Perry and Whitley, Richard Ballinger; Gallatin, Pendleton and Grant, John Forsythe; Boone and Campbell, Thomas D. Carneal; Woodford and Jessamine, Andrew Muldrow; Fayette, Matthews Flournoy; Clarke, Chilton Allan; Montgomery and Estill, Jesse Daniel; Bath, Floyd, Morgan and Pike, Henry B. Mayo; Mason, James Ward; Fleming, William B. O'Bannon; Nicholas and Bracken, Andrew S. Hughes; Bourbon, John L. Hickman; Scott, Rodes Smith; Madison, Thomas C. Howard;

Harrison, Peter Barrett; Breckinridge, Daveiss and Ohio, Robert Stephens; Lincoln and Rockcastle, James Davidson; Franklin and Owen, Jephthah Dudley; Henderson, Hopkins and Union, Francis Lockett; Pulaski and Wayne, Martin Beaty; Adair and Casey, Benjamin Selby; Greenup, Lewis and Lawrence, Thomson Ward.

Which being read, was, for the present, laid on the table.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Gallatin, Boone and Grant, praying for the formation of a new county out of parts of said counties, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition is reasonable.

And the same being twice read, the question was taken on concurring in said report, and decided in the negative; and so the said report was rejected.

Mr. Beaty, from the select committee raised for that purpose, reported a bill for the benefit of Rebecca Adams; which passed to a second reading, when a motion was made to dispense with the rule, constitutional provision and further readings of said bill, with a view to put the same on its passage; whereupon a division of the question was called for by Mr. Dawson, with a view to have the bill committed to a select committee, for the purpose of appropriating 100 acres of land for the benefit of Joel Foster; and thereupon the second reading was dispensed with; and the dispensation of the rule as to the third reading thereof, being urged, the same was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty carry the same to the House of Representatives, and request their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Davidson, from the select committee to which was referred the petition of John B. Wilkinson, reported thereon a bill providing for a change of venue in the case of said John B. Wilkinson; which was read, and the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. C. Allan, from the select committee to which was referred a communication from the Executive, covering sundry resolutions from the States of Georgia, Maine and Ohio, reported the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the alteration of the constitution of the United States proposed by the State of Georgia, on the 22d day of December 1823, "that no part of the constitution of the United States ought to be construed, or shall be construed to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved by the legislature of this state; and the Governor is hereby requested to transmit a copy of the foregoing resolution to the Executive of each of the United States.

The same being joint, lays, of course, one day on the table, for consideration.

A message from the House of Representatives, by Mr. Wingate:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Jesse Baker, jun." in which they request the concurrence of the Senate.

Mr. Beauchamp moved to take up the report, resolutions and address reported by the committee to which was referred so much of the Governor's message as relates to the decisions of the Court of Appeals; and the question being taken on taking up said document, it was decided in the affirmative—Yeas 20, nays 15.

The yeas and nays being required thereon by Messrs. Wickliff and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Selby, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Lyon, Mayo, Muldrow, Smith, J. Ward, White and Wickliff.

The first resolution was then twice read and concurred in—Yeas 23, nays 12.

The yeas and nays being required thereon by Messrs. Beauchamp and Howard, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Muldrow, J. Ward, White and Wickliff.

The second resolution was then twice read, together with the preamble and address thereunto belonging, as follows, to wit:

Whereas the hope with which the people flattered themselves, turned out to have been falacious, that the Judges of the Appel-

late Court, upon being satisfied, as it is believed they ought to have been, by the result of the last elections, associated with the expression of legislative sentiment before alluded to, would evince their regard for public sentiment upon this momentous subject, by the resignation of their offices; and as the only mode left to avoid the obnoxious principles of their decisions, is to remove the Judges: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That John Boyle, Chief Justice, and William Owsley and Benjamin Mills, Associate Justices of the Appellate Court of this State, be removed from their respective offices, and that the following address be presented to the Governor of this Commonwealth, viz:

TO HIS EXCELLENCY, JOSEPH DESHA, GOVERNOR OF THE COMMONWEALTH OF KENTUCKY.

Two-thirds of each branch of the Legislature concurring therein, respectfully show to your Excellency: That John Boyle, Esq. Chief Justice of the Court of Appeals of the State of Kentucky, ought to be removed from that office, because he has asserted and attempted, by his judicial authority, to propagate and fasten on society, in his decisions pronounced in the cases of *Blair vs. Williams* and *Lapsley vs. Brashear*, doctrines and principles incompatible with the great and essential rights of the freemen of this republic; and because he adheres to, and has reiterated his attempt to rivet those obnoxious doctrines and principles upon society, in the opinion pronounced by him, at the last spring term of that court, in the aforesaid case of *Stanley vs. Earl*; and because, in those opinions, he has denied and persisted in denying to the legislature, the exercise of its legitimate power in the enactment of replevin, valuation, (and in effect) occupying claimant laws, and other remedial enactings, by vacating those laws and denying their authority.

They would further respectfully show to your Excellency, that William Owsley, the second Judge of that court, has concurred with the Chief Justice in uttering, propagating and endeavoring to fasten on society, the obnoxious, erroneous and unjust doctrines and principles aforesaid, and in re-asserting and persisting to endeavor to rivet them upon the free people of this Commonwealth, and in denying to the legislature the legitimate exercise of the power constitutionally belonging to that department.

And they would further most respectfully show to your Excellency, that Benjamin Mills, Esq. the other and only remaining Judge of that court, hath concurred with the other two Judges, in the promulgation and propagation of the unjust and erroneous principles and doctrines aforesaid, and hath united with them in their endeavors to fasten and rivet them upon the free people of

this State, and to restrict the legislative department in the exercise of its constitutional and legitimate powers.

They, therefore, pray your Excellency to remove the said John Boyle from the office of Chief Justice of the Court of Appeals of the State of Kentucky. And having removed him, they pray that, for the same reasons, your Excellency would remove the said William Owsley from the office of second or Associate Judge of the Court of Appeals of the State of Kentucky. And having removed each of the aforesaid Judges, they pray that, for the same reasons, your Excellency would remove the said Benjamin Mills from the office of third Judge of the Court of Appeals of the State of Kentucky.

And the question being taken on concurring therein, the vote was, for concurring, 23; in opposition thereto, 12. The constitution requiring a majority of two-thirds to concur in said address, and such majority not concurring, the said resolution and address were rejected.

The yeas and nays being required thereon by Messrs. Crutcher and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Muldrow, J. Ward, White and Wickliff.

The question was then taken on adopting the preamble to the first resolution, and decided in the affirmative—Yeas 23, nays 12.

The yeas and nays being required thereon by Messrs. Howard and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Muldrow, J. Ward, White and Wickliff.

Ordered, That Mr. Hughes carry said preamble and resolution to the House of Representatives, and request their concurrence in the same.

On motion of Mr. Dudley,

Ordered, That Mr. Lockett have leave of absence for the remainder of the present session.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. J. Allen—1. A bill to incorporate the Greensburg bridge company.

On motion of Mr. T. Ward—2. A bill to amend an act entitled "an act to establish and regulate the town of Louisa, in the county of Lawrence."

Messrs. J. Allen, Dudley and Yancey, were appointed a committee to prepare and bring in the first; and Messrs. T. Ward, Mayo and Daniel, the second.

Mr. Beaty moved to take up a bill from the House of Representatives, entitled "an act for appropriating the vacant land in the state of Tennessee, between Walker's line and latitude 36 degrees and 30 minutes;" which was thereupon taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Bowman, Beaty, Ewing and Beauchamp, for amendment.

A message from the House of Representatives, by Mr. Patterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act further to regulate the Penitentiary;" in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Spalding:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: "An act for the benefit of the sheriffs of Union and Allen counties," and "an act for the benefit of the late sheriffs of Madison county;" in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Mason:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Hannah Mayberry and Sarah Dale;" in which they request the concurrence of the Senate.

The Senate then proceeded to a consideration of the orders of the day.

A bill from the House of Representatives, entitled "an act for the benefit of the State Hospital at Louisville," was taken up; and the same having heretofore been read a third time, the question was taken on the passage of said bill, and was decided in the negative—Yeas 14, nays 19.

The yeas and nays being required thereon by Messrs. Dawson and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barrett, Beauchamp, Denny, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, Muldrow, Smith, T. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Beaty, Bowman, Crutcher, Daniel, Davidson, Dawson, Dudley, Faulkner, Hickman, Howard, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward, Worthington and Yancey.

And so the said bill was rejected.

Ordered, That Mr. Denny inform the House of Representatives thereof.

A resolution for appointing a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth, was taken up, the substitute heretofore amended and adopted in lieu of the original from the House of Representatives, being under consideration.

Mr. Howard moved to commit said resolution to a select committee; which was decided in the negative.

The question was then taken on the adoption of said substitute, which was decided in the affirmative—Yeas 24, nays 11.

The yeas and nays being required thereon by Messrs. Davidson and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Davidson, Faulkner, Hickman, Howard, Muldrow, W. B. O'Bannon, J. Ward, White and Wickliff.

Ordered, That Mr. Dudley carry the same to the House of Representatives, and request their concurrence in said amendment.

A bill from the House of Representatives, entitled "an act for the benefit of the Centre College," was taken up, an amendment made by the House of Representatives to an amendment made by the Senate to said bill, being under consideration; whereupon, the said amendment being twice read, was concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

An engrossed bill, entitled "an act to regulate and curtail the jurisdiction of the General Court," was read a third time, and on motion referred to a select committee of Messrs. Hughes, C. H. Allen and T. Ward, for amendment.

An engrossed bill, entitled "an act to fix the seat of justice of Meade county," was read a third time, and the several blanks therein being filled,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher carry the same to the House of Representatives and request their concurrence.

An engrossed bill entitled "an act to establish the 16th judicial district, and for other purposes," was, on motion, referred to a select committee of Messrs. Ewing, Lyon and Worthington, for amendment.

An engrossed bill entitled "an act to amend the law concerning escheats," was taken up, the amendment heretofore offered by Mr. Flournoy by way of engrossed ryder, being under consideration; whereupon, said amendment was adopted.

Mr. Denny offered, by way of amendment, an additional engrossed ryder thereto; which was also adopted.

On motion, the bill and amendments were referred to a select committee of Messrs. Flournoy, Bowman, Beauchamp and C. Allan, for amendment.

The orders of the day were then, on motion, dispensed with.

Mr. Howard moved to take up a bill from the House of Representatives, entitled "an act for the benefit of the late sheriffs of Madison county;" which was thereupon taken up, and passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Howard inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, were also, on motion, taken up, to wit: 1. An act for the benefit of the sheriff of Hart county; 2. an act for the benefit of the sheriffs of Union and Allen counties; which severally passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That the said bills do pass, and that their titles be as aforesaid.

Ordered, That Mr. J. Allen inform the House of Representatives of the concurrence of the Senate in the first, and Mr. Lyon of the second.

Mr. Hughes, from the select committee to which was referred a bill to regulate and curtail the jurisdiction of the general court, reported the same, with a substitute by way of amendment, in lieu of the original bill; which was adopted, and the bill thereupon ordered to be engrossed and read a third time; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

The yeas and nays being required on the passage of said bill, by Messrs. Faulkner and T. Ward, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Crutcher, Daniel, Dawson, Denny, Ewing, Flournoy, Hickman, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, White, Wickliff and Yancey—25.

Those who voted in the negative, are, Messrs. Davidson, Dudley, Faulkner and Howard—4.

The Speaker laid before the Senate an additional communication in relation to the Penitentiary, from Messrs. Langston and Charles P. Bacon; which was referred to a select committee of Messrs. J. Allen, Dudley and Muldrow.

And then the Senate adjourned.

TUESDAY, DECEMBER 21, 1824.

The Senate assembled.

Mr. P. N. O'Bannon presented the petition of the heirs, &c. of General William M'Dowell, deceased, praying the establishment of a ferry across Big Barren river; which being read, was referred to the committee for courts of justice.

Mr. Hickman presented the petition of the heirs of Nathan C. Standiford, deceased, praying that a law may pass authorising the sale of certain lands, &c.; which being read, was, on motion, referred to a select committee of Messrs. Hickman, White and Ewing.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under their consideration the petition of sundry citizens of Nicholas county, praying to be added to the county of Harrison, and have come to the following resolution thereupon, to wit:

Resolved, That said petition be rejected.

Mr. Barrett moved to strike out the words "be rejected," and insert in lieu thereof, *is reasonable*; and the question being taken thereon, it was decided in the affirmative; by which equivalent vote, said report and resolution, as amended, were concurred in.

Mr. C. H. Allen, from the committee for courts of justice, reported a bill for the benefit of John Garland, which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Denny, Flournoy and C. H. Allen, for amendment.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill to incorporate the Greensburg Bridge Company; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was committed to a select committee of Messrs. J. Allen, Ewing and Crutcher, for amendment.

Mr. Bowmar, from the select committee to which was referred a bill to amend the law concerning escheats, reported the same with a substitute, by way of amendment, in lieu of the whole bill and amendments, after the word "whereas," in the preamble; whereupon the same were laid on the table for the present.

Mr. Dudley moved a re-consideration of the vote of yesterday, rejecting a bill from the House of Representatives, entitled "an act for the benefit of the State Hospital at Louisville;" which vote was thereupon re-considered, and the question being again taken on the passage of said bill, it was decided in the affirmative—Yeas 22, nays 13.

The yeas and nays being required thereon by Messrs. Beaty and Flournoy, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Denny, Ewing, Flournoy, Forsythe, Howard, Hughes, Lyon, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, T. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. J. Allen, Beaty, Bowman, Crutcher, Davidson, Dudley, Faulkner, Hickman, Selby, J. Ward, Worthington and Yancey.

Ordered, That the title thereof be as aforesaid, and that Mr. Denny carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. W. Patterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act concerning the Independent Bank at Columbia," in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Maccoun moved a re-consideration of the vote heretofore given, (he having voted with the majority,) rejecting a bill for the formation of a new county out of parts of the counties of Adair, Wayne and Cumberland; whereupon said vote was re-considered, and the question being taken on engrossing and reading said bill a third time, it was decided in the affirmative—Yeas 19, nays 11.

The yeas and nays being required thereon by Messrs. Bowman and Beaty, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward and White.

Those who voted in the negative, are, Messrs. Beaty, Bowman, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Wickliff, Worthington and Yancey.

Mr. Howard offered the following resolution, to wit:

Resolved, That the Auditor of public accounts forthwith furnish the Senate with a statement of the amount of revenue paid into the public Treasury by the different counties in this Commonwealth, during the last year; showing, at the same time, what counties, if any, either in part or in whole, are supported by drafts upon the public Treasury.

Which being twice read, was concurred in.

On motion, Mr. Flournoy was permitted to record his name in the negative of the vote of yesterday, adopting the preamble and first resolution reported by the committee to which was referred so much of the message of the Executive as relates to the decisions of the Appellate Court; also, his vote in the negative upon the preamble, resolution and address reported by said committee, contemplating the removal of the Judges of said Court, &c.

The following messages from the Executive were taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, to be commissioned according to law, viz.

John M. McCalla, brigadier general of the 3d brigade Kentucky Militia, vice Thomas Bodley, resigned.

Henry Beard, colonel of the 42d regiment Kentucky Militia, vice John M. McCalla, if promoted.

James Rooney, colonel of the 117th regiment Kentucky militia.

Jacob Oglesby, additional tobacco inspector, at Todd's warehouse, in the town of Louisville.

JOSEPH DESHA.

December 20, 1824.

Gentlemen of the Senate,

I nominate for your advice and consent, Andrew S. Hughes, to be commissioned brigadier general of the 25th brigade of Kentucky Militia, in place of Samuel Fulton, resigned.

Samuel Snap, colonel of the 13th regiment of Kentucky Militia, vice Andrew S. Hughes, if promoted.

Stark Fielder, lieutenant colonel of the same regiment, vice Samuel Snap, if promoted.

Walter McCormack, major of the same regiment, vice Stark Fielder, if promoted.

JOSEPH DESHA.

December 20, 1824.

Whereupon it was resolved that the Senate do advise and consent to said nominations respectively.

Ordered, That Messrs. Flournoy and Denny inform the Governor thereof, the same being duly certified.

The following message was also read, to wit:
Gentlemen of the Senate,

I nominate for your advice and consent, Simon R. Baker, to be commissioned brigadier general of the 7th brigade of Kentucky Militia, vice William Reed, promoted.

Thomas Donavan, colonel of the 69th regiment of Kentucky Militia, vice Simon R. Baker, if promoted.

Thomas Wells, lieutenant colonel of the same regiment, vice Thomas Donavan, if promoted.

Thomas L. Stratton, who has received a commission that will expire with the present session, to be commissioned sheriff of the county of Simpson, in place of Joseph Bigger, resigned, for the residue of the constitutional time.

JOSEPH DESHA.

December 21, 1824.

Ordered, That said message be referred to a select committee of Messrs. Ewing, T. Ward and Beauchamp, except so far as relates to Thomas L. Stratton; as to whose nomination,

Resolved, That the Senate do advise and consent thereto.

Ordered, That Mr. P. N. O'Bannon inform the Governor thereof, the same being duly certified.

Mr. Denny read and laid on the table the following joint resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Thursday next, they will adjourn to meet again on Monday the 27th instant.

Which lays on the table one day, of course.

At half after one o'clock P. M. Mr. Carneal moved that the Senate do now adjourn; and the question being taken thereon, it was decided in the affirmative—Yeas 19, nays 12.

The yeas and nays being required thereon by Messrs. Crutcher and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Beauchamp, Carneal, Daniel, Dawson, Denny, Flournoy, Forsythe, Howard, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward, T. Ward, Wickliff and Yaucey.

Those who voted in the negative, are, Messrs. J. Allen, Ballinger, Beaty, Bowman, Crutcher, Davidson, Dudley, Ewing, Faulkner, Hickman, Smith and White.

And then the Senate was adjourned.

WEDNESDAY, DECEMBER 22, 1824.

The Senate assembled.

The Speaker laid before the Senate a communication from the Auditor of public accounts, in reference to the resolution adopted by the Senate on yesterday, requiring certain information, &c.; which being read, was, on motion, referred to a select committee of Messrs. Howard, Flournoy, T. Ward and Wickliff.

Mr. Yancey presented the petition of Richard Roundtree, praying that the Legislature will grant him further indulgence upon a loan of money obtained by him from the branch of the Bank of the Commonwealth located at Greensburg; and the question being taken on referring said petition to the proper committee, it was decided in the negative, and so the said petition was rejected.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have adopted a preamble and resolution in relation to the decisions of the Appellate Court; in which they request the concurrence of the Senate.

The Speaker laid before the Senate an additional communication from William Hardin, Keeper of the Penitentiary, in relation to said institution; which being read, was, with the accompanying documents, referred to the same committee to which was referred the communication of Langston and Charles P. Bacon, upon the same subject.

On motion of Mr. Denny, the following message was taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Jacob Newkirk, to be commissioned colonel of the 33d regiment Kentucky Militia, vice Jacob Oglesby, removed.

George Smith, lieutenant colonel of the same regiment, vice Jacob Newkirk, if promoted.

Abraham Brown, major of the same regiment, vice George Smith, if promoted.

JOSEPH DESHA.

December 22d, 1824.

Whereupon, it was resolved that the Senate do advise and consent to said nominations respectively.

Ordered, That Mr. Denny inform the Governor thereof, the same being duly certified.

Mr. J. Allen, from the select committee to which was referred a bill to incorporate the Greensburg bridge company, reported the same with sundry amendments; which being severally concurred in, the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to establish and regulate the town of Louisa, in the county of Lawrence;" which passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. Ward carry the same to the House of Representatives, and request their concurrence.

Mr. Bowman, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for appropriating the vacant land in the State of Tennessee, between Walker's line and latitude of 36 degrees and 30 minutes," reported the same without amendment; which was thereupon ordered to be read a third time; which being done,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Bowman inform the House of Representatives thereof.

Mr. Denny, from the select committee to which was referred a bill for the benefit of the heirs of John Garland, deceased, reported the same with an amendment; which was concurred in, and the bill, as amended, thereupon ordered to be engrossed and read a third time on to-morrow.

Mr. Ewing, from the select committee raised by virtue of a resolution instituting an inquiry in relation to the recent escapes of convicts from the Penitentiary, made the following report, to wit:

The committee appointed for the purpose of enquiring into the cause or causes of the frequent and recent escapes of the convicts from the Penitentiary, after having convened for that purpose, proceeded to the Penitentiary, and from the view of your committee, aided by such testimony as was deemed satisfactory by the committee, they beg leave to report, they are perfectly satisfied that the escapes mentioned in the resolution to them referred, are not in the slightest degree attributable to the neglect of the keeper or guards, but entirely to other causes.

First cause, that the cells in which the convicts are confined at night, are wholly insufficient; they are too thin and composed of very indifferent brick, so much so, that the convicts that escaped were enabled and aided by a small, thin piece of iron of about the strength of a case knife, to penetrate the wall of the cell, and

finally to pass through the same, and from every appearance of the wall, this must have been done in a few minutes.

Second, the outer or principal stone wall is insufficient. This wall is about six feet too low, and the wooden capping that is erected on the same, affords an abundance of facilities to all who are disposed to make a speedy passage over the same; and unless there is some change in the walls and cells, frequent escapes may be expected. The walls and covering are badly constructed and unskillfully built, by reason of which, the whole at present are sustaining injury. Your committee would briefly state, that all of the convicts who have lately escaped, seem to have pursued the same plan in effecting their escape. The five last, aided by the piece of iron as aforesaid, passed through the walls of their cell, and while the guard was warming, there being no stove in the watch tower, the convicts, aided by a joice, a clevice tied to a pole and a rope, they passed the walls, (according to the statements of the guard,) in the space of ten minutes. The joice had been brought into the yard late in the evening, by the agent of the commissioners, for the purpose of making use of it in building; this joice the convicts placed against the wall, and having a large clevice tied to a pole, caught the same in the knees that support the covering of the wall, and then drew themselves up by the pole, and then passed down a rope on the out side. The small pole or withe was used by the coopers for hooping barrels.

Your committee recommend that a stove be procured, and placed in one of the watch towers, for the use of the guard. Owing to the want of fire in the watch towers, the guard are compelled to leave their stations to warm, and while they have been warming, the convicts aforesaid have been enabled to effect their escape.

Your committee pray to be discharged from the further consideration of the subject to them referred,

Mr. Denny, from the select committee to which was referred a bill concerning officers' fees, reported the same with a substitute, by way of amendment, in lieu of the original bill; which being twice read was adopted, and the bill thus amended, was ordered to be engrossed and read a third time on to-morrow.

Mr. Ewing, from the committee of propositions and grievances, reported a bill for the division of the county of Caldwell; which passed to a second reading; when, on motion, the rule, constitutional provision and second and third readings thereof were dispensed with, and the several blanks therein being filled, it was

Resolved, That the said bill do pass, and that the title thereof be amended to read "an act for the establishment of the county of Lyon," (in honor to the memory of Colonel Matthew Lyon, deceased.)

Ordered, That Mr. Lyon carry the same to the House of Representatives, and request their concurrence.

The yeas and nays being required on the passage of the aforesaid bill by Messrs. Wickliff and Lyon, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Denny, Ewing, Flournoy, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, White and Yancey—19.

Those who voted in the negative, are, Messrs. Davidson, Dawson, Dudley, Faulkner, J. Ward, Wickliff and Worthington—7.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Maccoun—1. A bill to provide for constructing a canal at the Falls of the Ohio river.

On motion of Mr. Denny—2. A bill to amend an act entitled "an act to authorize a lottery for the purpose of draining the ponds in the town of Louisville and adjacent thereto."

Messrs. Maccoun, Denny and Wickliff, were appointed a committee to prepare and bring in the first; and Messrs. Denny, White and Crutcher, the second.

On motion, the committee for courts of justice was discharged from the further consideration of bills of the following titles, to wit: 1. A bill to punish trespassers; 2. a bill to amend an act entitled "an act to amend the law for the recovery of debts before a justice of the peace," approved February 1, 1809.

The first was referred to a select committee of Messrs. Beauchamp, Faulkner and Flournoy, for amendment; and the second was ordered to be engrossed and read a third time on to-morrow.

On motion, a bill from the House of Representatives, entitled "an act declaring Kennikennick navigable to the mouth of the Laurel Fork," was taken up and referred to a select committee of Messrs. T. Ward, Mayo and J. Ward, for amendment.

On motion, a bill for changing the time of holding the county court of Nelson, was taken up, and the same being amended, was ordered to be engrossed and read a third time; when the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliff carry the same to the House of Representatives, and request their concurrence.

On motion, a bill from the House of Representatives, entitled "an act to incorporate the St. Joseph's College of Bairdstown," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliff inform the House of Representatives thereof.

Mr. Flounoy offered the following resolution, to wit:

Resolved, That when the Senate adjourns on to-morrow, it will adjourn to meet again on Monday next.

When, on motion of Mr. Ewing, the word "to-morrow," was ordered to be stricken out, and the word "Friday" inserted in lieu thereof; and thereupon the resolution being twice read, was adopted.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Hughes—1. A bill to provide for the improving and keeping in repair so much of the main Limestone road as may pass through the counties of Fleming and Nicholas.

On motion of Mr. Barrett—2. A bill for the benefit of the Directors of the Bank of the Commonwealth.

Messrs. Hughes, J. Ward and W. B. O'Bannon were appointed a committee to prepare and bring in the first, and Messrs. Barrett, T. Ward and Smith, the second.

The Senate then went into a consideration of the orders of the day.

An engrossed bill entitled "an act to amend the law regulating the issuing of tavern licenses," was read a third time, and, on motion, committed to a select committee of Messrs. Maccoun, J. Allen and Forsythe, for amendment.

An engrossed substitute for a bill from the House of Representatives, entitled "an act for the benefit of Marcus Huling and others," was read a third time; whereupon it was

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty carry the same to the House of Representatives, and request their concurrence in said amendment.

An engrossed bill entitled "an act for the benefit of the heirs of David Logan, deceased, (the third reading thereof being dispensed with,) passed.

Ordered, That the title thereof be as aforesaid, and that Mr. Davidson carry the same to the House of Representatives, and request their concurrence.

Bills of the following titles were severally read a second time, to wit: 1. A bill to amend an act entitled "an act to revive the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth," approved January 7th, 1824; 2. a bill to improve the road leading from Louisville, Kentucky, to Nashville, Tennessee, and New-Orleans. Whereupon the same were ordered to be engrossed and read a third time to-morrow.

An engrossed bill entitled "an act for the formation of a new county out of the counties of Adair, Wayne and Cumberland,"

was, on motion, referred to a select committee of Messrs. Selby, Bowman, Beaty and Maccoun, for amendment.

A bill imposing a tax on brokers, was read a second time.

Mr. C. Allan moved to lay said bill on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yeas 10, nays 19.

The yeas and nays being required thereon by Messrs. Howard and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Bowman, Daniel, Davidson, Denny, Forsythe, Howard, Muldrow, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. J. Allen, Ballinger, Beaty, Beauchamp, Dawson, Dudley, Ewing, Faulkner, Hickman, Hughes, Lyon, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith, T. Ward, White, Worthington and Yancey.

Whereupon the bill was referred to a select committee of Messrs. Dudley, J. Allen, Beauchamp and Hickman, for amendment.

And then the Senate adjourned.

THURSDAY, DECEMBER 23, 1824.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined enrolled bills and a resolution which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of the Centre College; an act for the benefit of the State Hospital at Louisville; an act for the benefit of the sheriff of Hart county; an act for the benefit of the late sheriffs of Madison county; an act for the benefit of the sheriffs of Union and Allen counties; an act to incorporate the St. Joseph's College of Bairdstown; a resolution concerning the Directory of the Bank of the Commonwealth of Kentucky; and that the same were truly enrolled.

After a short time, Mr. Lyon, from the same committee, reported that the Speaker of the House of Representatives had signed said bills and resolution; whereupon the Speaker of the Senate affixed his signature thereto, and the same were thereupon handed over to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty Mr. Lyon shortly thereafter reported was performed.

Mr. W. B. O'Bannon presented the petition of Capt. Hunt's company of militia, in the county of Fleming, praying to be released from attending battalion musters, on account of the remoteness of their situation from the places of holding said mus-

ters; which being read, was, on motion, referred to a select committee of Messrs. W. B. O'Bannon, Hughes and T. Ward.

Mr. Ewing, under the authority of a resolution heretofore adopted in reference to the several districts in which are located branches of the Bank of the Commonwealth, made the following report, to wit:

The joint committee appointed to examine the report of the Princeton Branch Bank, make the following report: That the debts due the institution, (with the exception of three hundred and sixty-eight dollars had debts in the county of Christian, twelve hundred and forty-three dollars doubtful debts in the same county, sixty dollars doubtful debts in Todd county, and one hundred and sixty-four dollars doubtful debts in Trigg county,) appear to be well secured, and all the directors, with one exception, appear to have complied with the requisitions in respect to the calls and discounts, and in other respects the institution appears to have been conducted agreeably to the charter.

From the Senate,

YOUNG EWING,
CHITTENDEN LYON.

From the House of Representatives,

N. S. DALLAM,
CHARLES CALDWELL;
W. WILSON,
WM. GORDON,
ENOCH PRINCE,
A. H. DAVIS,
R. B. NEW.

Mr. Selby, from the select committee to which was referred a bill for the formation of a new county out of the counties of Adair, Wayne and Cumberland, reported the same with sundry amendments, which were severally concurred in; and thereupon the bill, as amended, was ordered to be re-engrossed and read a third time on to-morrow.

Mr. Denny, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to authorise a lottery for the purpose of draining the ponds in the town of Louisville, and adjacent thereto;" which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. T. Ward, from the select committee to which was referred a bill from the House of Representatives, entitled "an act declaring Kennikennick navigable to the mouth of the Laurel fork," reported the same with an amendment; whereupon the said amendment was concurred in, and the bill ordered to be read a third time; which being done, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. Ward inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Davidson, from the select committee to which was referred a bill to amend the militia law, reported the same with amendments; whereupon, the bill and amendments were recommitted to a select committee of Messrs. Hughes, J. Allen, Davidson, Faulkner, Wickliff and Carneal, for amendment.

Mr. White, from the select committee to which was referred a bill to amend the charter of the Shelbyville and Louisville turnpike road company, reported the same without amendment; and the bill was thereupon ordered to be engrossed and read a third time on to-morrow.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to keep open the navigation of the Beech fork of Salt river, and other water-courses;" which passed to a second reading.

Mr. J. Allen, from the select committee to which was referred the communications from Langston and Charles P. Bacon, and William Hardin, in relation to the Penitentiary, made the following report thereupon, to wit:

The committee to whom were referred the proposition of Messrs. L. and C. P. Bacon, and also an additional proposition of William Hardin, in relation to the support and management of the Penitentiary, have had both of the propositions under consideration, and have not been able to discover any thing in said propositions to induce your committee to report differently from that of the joint committee, in relation to this matter, and, therefore, still continue to recommend the proposition of Jeel Scott, as delineated in a bill passed by the House of Representatives and now before the Senate.

Mr. Faulkner, who voted in the majority, moved a reconsideration of the vote reversing the resolution of the committee of propositions and grievances upon the petition of sundry citizens of the county of Hardin, &c. praying the formation of a new county, &c.

Mr. J. Allen moved to postpone said motion until the first day of June next; and the question being taken on said postponement, it was decided in the affirmative—Yeas 17, nays 14.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Beauchamp, Daniel, Denny, Dudley, Ewing, Hughes, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, White, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Forsythe, Hickman, Mayo, Stephens, J. Ward and T. Ward.

On motion, the Senate then resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Faulkner in the chair; and after some time spent therein, the committee rose, and the Speaker having resumed the chair, Mr. Faulkner reported, that the committee had, according to order, had under consideration the preambles and resolutions reported by the select committee to which was referred so much of the Governor's message as relates to the decisions of the Supreme Court of the United States upon the occupying claimant laws of this Commonwealth; that they had gone through the same, and had instructed him to report the same to the house without amendment.

Whereupon the question was taken on the adoption of the 2d and 3d resolutions, and decided in the affirmative—Yeas 23, nays 6.

The yeas and nays being required thereon by Messrs. Hughes and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Denny, Dudley, Ewing, Forsythe, Hickman, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bowman, Davidson, Dawson, Faulkner, J. Ward and White.

The 4th resolution, and preambles to the whole, were thereupon adopted.

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Hughes read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee to consist of three from the Senate and six from the House of Representatives, be appointed to enquire into the necessity and expediency of building an additional room to the office of the Secretary of State, and that the said committee have leave to report by bill or otherwise.

Which being joint, lays over one day, of course, for consideration.

Mr. P. N. O'Bannon read and laid on the table the following resolutions, to wit:

Whereas it appears that no person has received a majority of all the electoral votes for the next President of the United States, making it therefore necessary and the duty of Congress to elect a Chief Magistrate.

And whereas our fellow-citizen, Henry Clay, has not received a sufficient number of electoral votes to bring him before Congress, as one of the three persons from whom the choice of President is to be made.

And whereas it is confidently believed, that Andrew Jackson is the second choice of the people of Kentucky. Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the members of the House of Representatives from the State of Kentucky, in the Congress of the United States, be requested to vote for General Andrew Jackson for the next President of the United States.

Resolved, That in so doing, they will faithfully and truly represent the feelings and sentiments of the great body of the people of Kentucky.

Resolved, That the Governor of the Commonwealth of Kentucky, be requested to forward forthwith a copy of these resolutions to each of our members of the House of Representatives in the Congress of the United States.

Which being joint, also lay one day on the table for consideration.

And then the Senate adjourned.

FRIDAY, DECEMBER 24, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Booker:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals."

Mr. Yancey, from the joint committee of enrolments, reported that said committee had examined an enrolled bill, entitled "an act to repeal the law establishing the Court of Appeals, and to re-organize a Court of Appeals;" and had found the same truly enrolled.

The Speaker of the House of Representatives having signed the same, the Speaker of the Senate thereupon affixed his signature thereto.

Ordered, That said committee lay the said bill before the Governor, for his approbation and signature. After some time, Mr. Yancey, from said committee, reported that said duty was performed.

Mr. Wickliff presented the petition of sundry citizens of Nelson county, praying that a law may pass to authorize William Hill to continue his mill-dam on the south side of the Beech fork; which was laid on the table for the present.

Mr. Smith, from the committee of religion, reported a bill for the divorce of Ann Hall, which passed to a second reading; and thereupon the rule, constitutional provision and second and third

readings of said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass; and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry said bill to the House of Representatives, and request their concurrence.

Ordered, That the committee for courts of justice be discharged from the further consideration of the petition of the heirs of William M'Dowell, deceased; and the same was referred to a select committee of Messrs. P. N. O'Bannon, Dawson, Dudley and Crutcher.

Mr. Dudley read and laid on the table a joint resolution, directing the Keeper of the Penitentiary to furnish the building Commissioners with articles manufactured in said institution; which was thereupon taken up, twice read and adopted, as follows, to wit:

Whereas, by an act entitled "an act to enlarge the Penitentiary," approved 7th January, 1824, the Commissioners are authorized to draw on the Agent for manufactured articles to an amount not exceeding \$3,000, and that contracts were made for a portion thereof, which cannot be complied with, in consequence of the resignation of said Agent, which office is now vacant:

Be it, therefore, resolved by the General Assembly of the Commonwealth of Kentucky, That the Keeper of the Penitentiary be authorized, as far as he can, to pay the order or orders of said Commissioners, which they were authorized to make upon the Agent by the second section of the said recited act, so far as articles may remain in the care of, or under the control of said Keeper.

Ordered, That Mr. Dudley carry said resolution to the House of Representatives, and request their concurrence.

Bills from the House of Representatives of the following titles, were read the first time and ordered to be read the second time, to wit: 1. An act for the divorce of Sally Buster; 2. an act for the benefit of Ermina M'Haney and Elizabeth Chrisman; 3. an act for the divorce of Elisha M'Cormas, from his wife, Respha M'Cormas; 4. an act for the benefit of Doshy Barlow; 5. an act for the benefit of Jesse Baker, jun.; 6. an act for the benefit of Hannah Mayberry and Sarah Dale; 7. an act to legalize the proceedings of the trustees of the town of Burlington; and thereupon, the rule of the house, constitutional provision and second and third readings of the 1st, 2d, 3d, 4th and 5th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be respectively as aforesaid.

The 6th bill was committed to the committee of religion, and the 7th to a select committee of Messrs. Carneal, J. Ward and Muldrow.

Ordered, That Mr. Faulkner carry the 1st, Mr. Lyon the 2d, Mr. T. Ward the 3d, Mr. Yancey the 4th, and Mr. Dudley the 5th bill to the House of Representatives, and inform them of the passage of the same.

A message from the House of Representatives, by Mr. Thurstont:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the heirs of Joshua Wilson," in which they request the concurrence of the Senate.

A resolution offered by Mr. Beaty on the 11th instant, was taken up, twice read, amended and adopted as follows, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printers for this Commonwealth be instructed to make out an account current between themselves and this Commonwealth, exhibiting on the face of said account, each separate item of expence; and that the said printers be instructed further, to commence their said accounts with the commencement of the last session, and end with the present session; which accounts, so made out, shall be transcribed or copied by the said printers, and each member of the General Assembly furnished with a copy, before the election of public printers.

Ordered, That Mr. Beaty carry said resolution to the House of Representatives, and request their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign an enrolled bill which originated in the Senate, entitled "an act to repeal the law organizing the Court of Appeals, and to reorganize a Court of Appeals."

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Mr. J. Allen, from the select committee to which was referred a bill to change the time of the annual meeting of the General Assembly, reported the same with an amendment, which was twice read and concurred in.

Ordered, That said bill be laid on the table for the present.

An engrossed bill of the following title was read a third time, to wit: A bill for the benefit of the widow and devisees of Leratte Dickerson, deceased.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes carry the said bill to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Daveiss.

Mr. Speaker—The House of Representatives have concurred in the amendments made by the Senate, to a bill which originated in that House, entitled "an act for the benefit of Benjamin Craig,

Bills of the following titles were severally read a second time, to wit: 1. A bill for the benefit of Richard B. Dallam; 2. a bill to establish a ferry across Green river, opposite the lands owned by Coleman Carter, on both sides of said river. The latter bill having been amended,

Ordered, That said bills be engrossed and read a third time on Monday next.

A bill to amend an act entitled "an act to keep open the navigation of the Beech Fork of Salt River and other water courses," was taken up, and the first and second readings dispensed with, when, on motion, said bill was committed to a select committee of Messrs. Crutcher, Wickliff and Beauchamp.

A message from the House of Representatives, by Mr. Morgan:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky," in which they request the concurrence of the Senate.

A bill from the House of Representatives, entitled "an act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction to Murfreesborough," was taken up; and the third reading having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, were read the first time, and ordered to be read a second time, to wit: 1. An act for the benefit of James Gilpin; 2. an act to authorise M'Murtry and Ward, of Greenup county, to raise their mill-dam across Little Sandy, higher; 3. an act for the benefit of Martin Beatty.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Selby inform the House of Representatives of the passage of the first, Mr. T. Ward the second, and Mr. Bowman the third.

A bill from the House of Representatives, entitled "an act for the establishment of the town of Pikeville, in the county of Pike," was taken up; and the first and second readings having been dispensed with, the said bill was referred to a select committee of Messrs. Mayo, T. Ward and Daniel.

An engrossed bill entitled "an act concerning occupying claimants of land," was read the third time.

Mr. Lyon offered an engrossed ryder to said bill; which was twice read, and then the Senate adjourned.

MONDAY, DECEMBER 27, 1824.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of Benjamin Craig and others; an act to change the place of taking the votes in the Bloomfield precinct in Nelson county, and for other purposes; an act further to provide for opening and keeping in repair, the road from Danville to the Tennessee line, in the direction to Murfreesborough; an act for the benefit of Ermina M'Haney and Elizabeth Chrisman; an act for the divorce of Sally Buster; an act for the benefit of Jesse Baker, jr.; an act for the benefit of Doshy Barlow; an act for the divorce of Elisha M'Cormas, from his wife, Respha M'Cormas; and that the same were truly enrolled.

Whereupon, Mr. Yancey, from the same committee, reported that the Speaker of the House of Representatives had signed said bills; when (the signature of the Speaker of the Senate being also affixed thereto) the same were handed over to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty Mr. Yancey shortly thereafter reported they had performed.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Hunter:

Mr. Speaker—The House of Representatives have passed bills which originated in that house, of the following titles, to wit: An act to allow additional constables and justices of the peace to several counties in this Commonwealth; an act for the benefit of Andrew Mershon; an act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson; in which they request the concurrence of the Senate. They have also concurred in a resolution which originated in the Senate, for paying the building Commissioners of the Penitentiary.

2. By Mr. Williams:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Monroe county;" in which they request the concurrence of the Senate.

3. By Mr. Porter:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act for the benefit of Thomas Stroud; an act for the benefit of Susan Schofield; in which bills they request the concurrence of the Senate.

4. By Mr. Prince:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act to amend an act to establish

the town of Waidsbrough, in the county of Calloway, and to provide for the sale of lots; an act to dissolve the marriage of Vachel Hobbs and Amelia, his wife; in which bills they request the concurrence of the Senate.

5. By Mr. Wade:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Jenny Boatman," in which they request the concurrence of the Senate.

Mr. Ewing, from the committee of propositions and grievances, reported a bill to add a part of the county of Nicholas to the county of Harrison; which passed to a second reading.

Mr. Mayo, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to establish the town of Pikesville, in the county of Pike," reported the same without amendment, and said bill was ordered to be read the third time; whereupon the third reading thereof was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Mayo inform the House of Representatives thereof.

Mr. Dudley, from the select committee to which was referred a bill imposing a tax on brokers, reported the same with sundry amendments, which being severally concurred in, the bill was, for the present, laid on the table.

Ordered, That the public printers forthwith print 150 copies thereof, as amended, for the use of the General Assembly.

Mr. Carneal, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to legalize the proceedings of the trustees of the town of Burlington," reported the same without amendment; which was thereupon ordered to be read a third time, when the third reading thereof was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

Mr. Beauchamp, from the select committee to which was referred a bill to amend an act entitled "an act to keep open the navigation of the Beech fork of Salt river and other water courses," reported the same with an amendment, which was concurred in, and the bill thereupon ordered to be engrossed and read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beauchamp carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Davidson, leave was given to bring in a bill concerning the town of Danville; and Messrs. Davidson, Maccoun and Faulkner were appointed a committee to prepare and bring in said bill; when, by permission, Mr. Davidson, from said committee, reported said bill, which thereupon passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson carry the same to the House of Representatives, and request their concurrence.

A bill to amend the law concerning the Bank of Kentucky, was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

The Senate then took up the orders of the day.

Engrossed bills of the following titles were severally read a third time, and disposed of as follows, to wit:

1. "An act regulating certain officers' fees," was committed to a select committee of Messrs. Carneal, T. Ward, C. Allan and Forsythe, for amendment.

2. "An act to amend an act entitled 'an act to amend the law for the recovery of debts before a Justice of the Peace,' approved February 1st. 1809."

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson carry the same to the House of Representatives, and request their concurrence.

3. "An act to improve the road leading from Louisville, Kentucky, to Nashville, Tennessee, and New-Orleans."

Mr. Crutcher moved to fill the blank therein, relating to the appropriation for the improvement of said road, with "one thousand dollars;" and the question being taken on filling the said blank with that sum, it was decided in the negative—Yeas 9, nays 15.

The yeas and nays being required thereon by Messrs. W. B. O'Bannon and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Ballinger, Beauchamp, Bowman, Crutcher, Ewing, Lyon, Mayo, T. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Carneal, Davidson, Dawson, Dudley, Faulkner, Forsythe, Howard, P. N. O'Bannon, W. B. O'Bannon, Selby, Stephens, Worthington and Yancey.

Said bill was thereupon laid on the table for the present.

4. "An act for the benefit of Richard B. Dallam," was re-committed to a select committee of Messrs. P. N. O'Bannon, Crutcher and Stephens, for amendment.

A resolution fixing on a day for the election of public officers, the same being amended, and the blank therein filled with the 31st instant, was twice read and adopted.

Ordered, That Mr. Ewing carry the same to the House of Representatives, and request their concurrence.

The following bills were severally read a second time, and disposed of as follows, to wit:

1. "A bill for the benefit of Charles N. Perkins," was read as follows, to wit:

Whereas it is represented to the present General Assembly, that Charles Nicholas Perkins, of Casey county, after much labor and expenditure of all his cash capital, has struck a stream of excellent salt water, and from the trial which has been made, he is led to believe it is inexhaustible. Having expended all his available funds in that laudable, chance pursuit, of searching in the bowels of the earth for that article, as it were hoodwinked, which, if found, would not only recompence the adventurer for his risk of labor and fortune, but redound to the benefit of society at large, by cheapening that article, which is indispensable in every family, and which would, in some measure, curtail that great loss of circulating medium, which is of necessity at present flowing to Virginia and Illinois, and which must, for the same cause, continue to flow, until such liberal adventurers as the above, discover a competent quantity of salt water in our own state: Therefore, for the encouragement of such enterprize,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Directors of that Branch Bank of the Bank of the Commonwealth of Kentucky, located at Harrodsburg, shall loan to the said Charles Nicholas Perkins, fifteen hundred dollars, out of the calls and voluntary payments made in said Branch Bank, upon the same terms that money has been usually loaned by said Branch Bank, provided said Charles Nicholas Perkins secure the payment of said fifteen hundred dollars, with interest, to the President and Directors of the Bank of the Commonwealth of Kentucky, by giving good security, to be approved of by said board of Directors, any law or resolution of the board of Directors of said Bank, to the contrary notwithstanding.

Mr. C. Allan moved to lay said bill on the table until the first day of June next; and the question being taken thereon, it was decided in the affirmative—Yeas 18, nays 6.

The yeas and nays being required thereon by Messrs. Carneal and C. Allan, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Beauchamp, Bowman, Carneal, Crutcher, Davidson, Dawson,

Faulkner, Howard, Lyon, P. N. O'Bannon, W. B. O'Bannon, Stephens, T. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Dudley, Ewing, Forsythe, Mayo and Selby.

2. "A bill to amend the law concerning frauds."

Ordered, That the same be engrossed and read a third time on to-morrow.

3. "A bill to authorise judicial attachments in certain cases;" which was likewise ordered to be engrossed and read a third time on to-morrow.

4. "A bill to provide for fixing on a central point whereon to establish the permanent seat of government of this Commonwealth;" which was referred to a committee of the whole on the state of the Commonwealth.

5. "A bill to erect a new judicial district;" which was ordered to be engrossed and read a third time on to-morrow.

A resolution disapproving of the amendment proposed by the State of Georgia, to the Constitution of the United States, in relation to free persons of colour, being twice read, a further consideration thereof, for the present, was postponed.

A bill from the House of Representatives, entitled "an act to appropriate fines and forfeitures," passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was committed to a select committee of Messrs. C. Allan, Dudley, Faulkner and Beauchamp, for amendment.

On motion, the orders of the day were then dispensed with.

The message from the Executive, heretofore received, covering a resolution of the Legislature of Ohio, relative to the emancipation of slaves, was, together with said resolution, referred to a select committee of Messrs. Carneal, Ewing, C. Allan and J. Ward.

Mr. Beauchamp read and laid on the table the following resolution, to wit:

Whereas, by an act of Assembly, passed the 26th day of December, 1820, it is required that the President and Directors of the Bank of Kentucky pay over to the Cashier of the Commonwealth's Bank, the State stock in said Bank, in three annual instalments, the first to be paid on the last day of December, 1824: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the payment of said first instalment be suspended until the end of the present General Assembly.

Which being joint, lays over, of course, one day for consideration.

On motion of Mr. Wickliff, leave was given him to withdraw a petition heretofore filed, in relation to Hill's mill on the Beech fork of Salt river.

And then the Senate adjourned.

TUESDAY, DECEMBER 28, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled resolution which originated in the Senate, entitled "a resolution for paying the Building Commissioners of the Kentucky Penitentiary," and that the same was truly enrolled.

Ordered, That the same be, by the proper committee, presented for the signature of the Speaker of the House of Representatives.

Mr. Lyon, from the same committee, reported that they had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act for appropriating the vacant lands in the State of Tennessee, between Walker's line and the latitude of 36 degrees 30 minutes; an act for the benefit of Martin Beatty; an act for the benefit of James Gilpin; an act to legalize the proceedings of the trustees of the town of Burlington; and that the same were truly enrolled.

Whereupon Mr. Yancey reported that the Speaker of the House of Representatives had signed the said bills, and that they were now presented for the signature of the Speaker of the Senate; which was thereupon affixed thereto, and the same were handed over to the proper committee, to be by them laid before the Governor, for his approbation and signature.

Mr. P. N. O'Bannon presented the petition of sundry citizens of the county of Warren, praying the re-establishment of M'Dowell's ferry across Barren river; which was referred to the same committee to which was referred the petition of the heirs of said M'Dowell upon the same subject.

Mr. W. B. O'Bannon, from the select committee raised for that purpose, reported a bill for the benefit of Capt. James Hunt's company of militia; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Bowman, W. B. O'Bannon and Faulkner, for amendment.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Daveiss:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to regulate suits against joint, or joint and several obligors," in which they request the concurrence of the Senate.

2. By Mr. Spalding:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the Union County Seminary," in which they request the concurrence of the Senate.

3. By Mr. Gordon:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to alter the times of holding certain circuit and county courts in this Commonwealth," in which they request the concurrence of the Senate.

4. By Mr. Brown:

Mr. Speaker—The House of Representatives have concurred in amendments made by the Senate, to bills which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of John Cocke; an act to authorise the county court of Washington county to appoint one additional Constable, and for other purposes, and an act to erect election precincts in certain counties in this Commonwealth. They have passed bills which originated in that house, of the following titles, to wit: An act for the benefit of the heirs of Isaac Flannery; an act to establish election precincts in the counties of Grayson and M'Cracken, and an act for the benefit of Henry G. Mitchell and Elizabeth Jenkins; in which they request the concurrence of the Senate. And they have also passed bills which originated in the Senate, of the following titles, to wit: An act to authorise the Clerk of the Graves county and circuit courts to transcribe certain records, and an act for the relief of William Yates.

5. By Mr. Wickliffe:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to amend and explain the penal laws," in which they request the concurrence of the Senate.

6. By Mr. Prince:

Mr. Speaker—The House of Representatives have received official information, that the Governor did, on the 27th instant, approve and sign sundry enrolled bills, which originated in that house, of the following titles, to wit: An act for the benefit of Benjamin Craig and others; an act to change the place of taking the votes in the Bloomfield precinct in Nelson county, and for other purposes; an act further to provide for opening and keeping in repair the road from Danville to the Tennessee line, in the direction of Murfreesborough; an act for the benefit of Ermina M'Haney and Elizabeth Chrisman; an act for the divorce of Sally Buster; an act for the benefit of Jesse Baker, jun.; an act for the benefit of Doshy Barlow, and an act for the divorce of Elisha M'Cormas, from his wife, Respha M'Cormas.

7. By Mr. Daveiss:

Mr. Speaker—The House of Representatives have concurred in a resolution which originated in the Senate, fixing on a day for

the election of public officers, &c. with an amendment; in which amendment they request the concurrence of the Senate.

8. By Mr. Morehead:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Agnes Punteny," in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Mr. Ewing, from the select committee to which was referred a bill to establish the 16th judicial district, and for other purposes, reported the same without amendment; and the said bill was, on motion, re-committed to a select committee of Messrs. Wickliff, T. Ward, Lyon and C. Allan, for amendment.

Mr. P. N. O'Bannon, from the select committee to which was referred a bill for the benefit of Richard B. Dallam, reported the same with an amendment, which was concurred in, and the bill, as amended, was thereupon ordered to be re-engrossed and read a third time on to-morrow; when the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. P. N. O'Bannon carry the same to the House of Representatives, and request their concurrence.

Mr. Wickliff, from the select committee to which was referred a bill to establish the 16th judicial district, reported the same with an amendment, and the bill and amendment were, for the present, laid on the table.

Mr. P. N. O'Bannon, from the select committee to which were referred the petitions of the heirs of William McDowell, deceased, and of sundry citizens of the county of Warren, reported thereon a bill for the benefit of said heirs; which passed to a second reading.

On motion of Mr. Beauchamp, leave was given to bring in a bill to regulate the salaries of the Judges of the Court of Appeals; and Messrs. Beauchamp, Stephens and J. Allen were appointed a committee to prepare and bring in said bill.

On motion of Mr. Selby, an engrossed bill entitled "an act for the formation of a new county out of the counties of Adair, Cumberland and Wayne," was taken up and read a third time; and the blanks therein being filled, the question was taken on the passage thereof, and decided in the affirmative—Yeas 14, nays 14, the Speaker voting in the affirmative.

The yeas and nays being required thereon by Messrs. Beaty and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Dawson, Ewing, Forsythe, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith and T. Ward.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Dudley, Faulkner, Hickman, Howard, J. Ward, Wickliff, Worthington and Yancey.

Ordered, That the title thereof be amended to read, "an act to establish the county of Russell," (in honor to General William Russell,) and that Mr. Selby carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Beauchamp, a resolution submitted by him on yesterday, in relation to the Bank of Kentucky, was taken up, twice read, amended, and passed over for the present.

On motion of Mr. Flournoy, a bill to amend the law concerning escheats, (heretofore laid on the table for the present,) was taken up and placed in the orders of the day.

On motion of Mr. Lyon, an engrossed bill entitled "an act to provide for the sale of the lands west of the Tennessee river," was taken from the orders of the day and laid on the table for the present, and a bill from the House of Representatives, of the same title, placed in its stead.

The Senate then took up the orders of the day.

A bill to amend the militia law, was taken up, sundry amendments heretofore reported by the select committee to which the same was referred, and offered in the house, being under consideration; whereupon the first amendment was rejected, and the bill and amendments were referred to a select committee of Messrs. J. Allen, Davidson, Faulkner and T. Ward, for amendment.

An engrossed bill entitled "an act to amend an act entitled 'an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth,' approved January 7th, 1824," was, on motion, re-committed to a select committee of Messrs. Beauchamp, T. Ward, Carneal, W. B. O'Bannon and Hughes, for amendment.

The substituted bill from the House of Representatives, entitled "an act to provide for the sale of the vacant lands west of the Tennessee river," was read and ordered to be read a second time; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Beaty, Lyon, Flournoy, Ewing, C. Allan, and P. N. O'Bannon, for amendment.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 29, 1824.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills which originated in the Senate, of the following titles, to wit: An act to authorise the Clerk of the Graves county and circuit courts to transcribe certain records; an act for the relief of William Yates; and that the same were truly enrolled.

Ordered, That the same be, by the proper committee, laid before the Speaker of the House of Representatives, for his signature.

Mr. Maccoun presented the petition of John Ness, praying for a divorce, &c.; which was referred to the committee of religion.

Mr. J. Allen, from the select committee to which was referred a bill to amend the militia law, reported the same with a substitute, by way of amendment, in lieu of the original bill after the enacting clause, which was adopted; and the same being further amended, the question was taken on re-engrossing said bill as amended, and reading the same a third time, which was decided in the negative, and so the said bill was rejected.

Mr. Bowman, from the select committee to which was referred a bill for the benefit of Capt. James Hunt's company of militia, reported the same with a substitute, by way of amendment, in lieu of the original bill; which being amended, was adopted, and thereupon ordered, as amended, to be engrossed and read a third time on to-morrow.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill to regulate the salaries of the Judges of the Court of Appeals; which passed to a second reading.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before the Senate a message in writing.

The following messages were received from the House of Representatives, to wit:

1. By Mr. J. Patterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the widow of George Threlkeld, deceased," in which they request the concurrence of the Senate.

2. By Mr. H. O. Brown:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the Sheriff of Harrison county," in which they request the concurrence of the Senate.

3. By Mr. Joyes:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on the 28th instant, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act for appropriating the vacant lands in the state of Tennessee, between Walker's line and the latitude of 36 degrees and 30 minutes; an act for the benefit of Martin Beatty; an act for the benefit of James Gilpin, and an act to legalize the proceedings of the trustees of the town of Burlington.

4. By Mr. Sterrett:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the removal of the seat of justice of Meade county," in which they request the concurrence of the Senate.

Mr. Carneal, from the joint committee raised to enquire into the loss of money reported by the Treasurer, made the following report, to wit:

The joint committee to whom was referred the letter of Samuel South, Treasurer, representing that on the 4th of November, 1824, the day on which the Capitol was destroyed by fire, there had been lost from the Treasury, money to the amount of from two to three thousand dollars, have made a laborious and patient examination of such witnesses as were called or voluntarily presented themselves, to ascertain, if practicable, facts which could elucidate the transaction, or solve the doubts that might exist, and give satisfaction to the Treasurer and the public.

The Treasurer stated that all the money in the Treasury on the day of the conflagration, was lost, except between \$20 and \$30, which was snatched from the drawer by his son, Samuel South, as some unknown person was bearing it off, \$8 in silver, and \$40 50 counterfeit notes.

The witnesses generally detailed conversations and parts of conversations, which furnished but little useful or applicable intelligence, and no facts which furnished any means of developing the circumstances of the loss.

This testimony has been prepared in the form of depositions, and though contradictory and unsatisfactory, as the committee wish all to be known in relation to this delicate matter, which might, in the slightest degree, affect the reputation of the head of the department in which the loss has been supposed to have occurred, they beg leave to submit the depositions, as part of this report. Having examined the testimony, and finding the difficulties of the case far from being removed, and no fact being proved upon which the mind could rest with certainty or quietude, the committee applied to the books of the Treasurer, Auditor, and the Bank of the Commonwealth, and counted the money actually on hand and in the Treasury, which they ascertained to be \$2,648 25, and mak-

ing up the account from the balance taken from the books, and the money as counted, they considered the whole deficiency in the Treasury, on the 19th of November, to be \$1,228 25. They at once concluded that deficiency to have been produced by the loss said to have been sustained on the 4th, and addressed a letter to the Treasurer for an explanation; which letter and answer are submitted.

FRANKFORT, DECEMBER 3, 1824.

Sir—The joint committee raised upon your communication of the loss of money out of the Treasury, on the day of the conflagration of the Capitol, have, upon the most diligent investigation, ascertained that the whole deficit in the Treasury does not exceed the sum of 1,228 91. The means taken by the committee to ascertain that fact, are the following: By actual count, made on the 19th day of November last, they find the amount then in the Treasury, to be \$2,648 25. There was on that day, a balance due from the Treasury to the Bank of the Commonwealth, of \$31,007 23, subject, however, to a credit or deduction, as appears from the Auditor's books, of \$27,130 23; leaving a net balance due the Bank, of \$3,877 16. From this sum take the amount of cash in the Treasury, \$2,648 25, leaves the deficit of \$1,228 91, as above stated.

It has been thought advisable and just to give you this information, thereby furnishing you an opportunity of correcting any mistake that may have happened with the committee, and of explaining, should you see proper to do so, the reasons which induced you to report a loss of about \$2,650. The committee will take a pleasure in delaying their report a few days for your answer.

THOMAS D. CARNEAL, *Ch'm. S. C.*

J. M. MCCONNELL, *Ch'm. H. R. C.*

Samuel South, Treasurer.

FRANKFORT, DECEMBER 6, 1824.

Gentlemen—In reply to your letter, in which you state the actual deficit to be \$1,228 91, and offer me the opportunity to explain why I reported the greater deficit of \$2,650, I submit to you a simple detail of facts, in which I hope you will find an ample explanation.

It is in evidence now before the committee, that I predicated the statement of the amount lost, upon my own and my son's recollections of the money actually in the Treasury. I know certainly of the sum of \$1,350, which I had wrapped in paper, and placed in the back of the drawer. This sum, I had an impression, was afterwards increased by adding to it a hundred dollar note. My conjecture with regard to the loose money in the front of the drawer, was formed from the recollections I had of the amounts recently received, and of the amounts my son and myself remembered to have paid on warrants, without employing our usual mode

of checking on the Bank. Of this last sum, I never could speak with any great assurance, and, therefore, informed the house that the amount lost was between \$2,000 and \$3,000. In the attempt to be more exact, by stating the amount of loose money from memory, and fixing the deficit at about \$2,650, I must suppose I have erred between 3 and \$400, unless some future examination shall show a mistake in the calculations of the committee, which now seem to be perfectly correct. But with regard to the large amount enveloped and put away, I was sure I could not be mistaken; and I was prepared, from my consciousness of its truth, to reiterate the statement, although I could not account for the difference in which it resulted, from the unquestionable calculations and conclusions of the committee.

In this state of uncertainty the affair must have remained, and I must have relied on the liberality and good feelings of the committee, to presume that there was an undetected error, rather than believe me guilty of an attempt to impose on them. Happily for me, a circumstance was brought to my mind, which, from the difficulties and embarrassments which surrounded me, had before escaped me. As I have in fact withdrawn but a small portion of my salary from the Treasury, although I have credited the payment of the whole amount on the books, it immediately occurred to me, on the recollection of the circumstance, that it would make a difference between the sum counted in the Treasury and the sum which should be there, from the calculation, equal to the amount of salary undrawn. As the explanation which I offer, grows out of facts in relation to my salary which are susceptible of proof, I will state them circumstantially, and solicit an investigation on the part of the committee. Since I have been in office, it has been my habit to obtain the warrants for my salary from the Auditor, and enter them as paid on the books of my department, without actually withdrawing the amount from the Treasury. I have, however, kept a private book, in which sums due from the Treasury to me, are particularly stated; and when I actually appropriated any part of my salary, by withdrawing it from the Treasury, I credited the amount in this book. For the purpose of saving some portion of my salary, annually, I have exerted all my other means, on which I supported my family before I accepted my office. For the same object, and the additional expences which I have incurred by my residence in town, in the stores and groceries, by express agreement with the persons with whom I have dealt, are payable at the expiration of the year. The object of this last arrangement was, expressly, that my salary should remain as little impaired as possible, in the Treasury, until my settlement with the government was closed, that I might have the means on hand to make good to the state, any deficit which might accrue from mistakes in counting or calculating, or from any other

cause. I thought it best, by agreement with my private creditors, to retain the means of satisfying any demand which accidents might occasion against me, in favor of the public. My book, for the last year, will show that I had \$1,573 65 deposited in the Treasury; that I have withdrawn from that sum, at various times, items amounting to the sum of \$530 80; which leaves a balance in my favor of \$1,042 85. This last sum, added to that reported as deficit by the committee, will show that the sum of \$2,271 76, was the sum taken from my office on the day on which the Capitol was burnt.

I assure the committee, that I most sincerely rejoice that the public loss is so much less than I expected; and I congratulate myself, that I have been able to lay hold of a circumstance which verifies the original statement of my letter, although, at the same time, it apprizes me of a loss on my part, equal almost to a whole year's earnings.

I avail myself of the present opportunity, to acknowledge my obligations to the committee, for the patience with which they have labored in this inquiry, and for the indulgence shown to me, in an investigation involved by so many untoward circumstances, among which, not the least, is my own incapacity to prevent or resolve difficulties which would never occur, or be easily explained, by persons whose previous habits of life had prepared them for the business of a public office. Presuming on the favorable disposition which the committee have thus evinced, I must beg of them to hear the explanations, which, if permitted, a kind friend, Mr. Crittenden, will make on my case, as exhibited in the evidence before the committee. I have communicated to him, for that purpose, all the views with which my own knowledge of truth have furnished me, and which, though they cannot be proved by my own oath, yet I hope will be satisfactorily established, by a comparison of all the circumstances of the case. For this comparison, I might unhesitatingly rely on the intelligence and industry of the committee; but I persuade myself, that it would facilitate their labors, if the testimony were canvassed by a person to whom professional experience and talents, have made such investigations easy. I am desirous too, that this closing scene of the inquiry, may be had in a public sitting of the committee in the hall of the House of Representatives. Rumor has spread throughout the town, probably throughout the State, all the circumstances which are calculated to criminate me, and I would have an opportunity afforded to all who take an interest in the fate of an injured man, to hear my vindication. I make this application in the fullest confidence that it will meet with the approbation of the committee. They are sensible, that the result of their report, involves considerations of much greater value to me, than even the little remnant of my life. They would not, therefore, willingly

decide, without attending to all the views which are offered on the evidence. When that is accomplished, I shall cheerfully submit my case to the good sense and feelings of the committee and of the house.

I am, with great respect,

Your obedient servant,

SAMUEL SOUTH, Tr.

Messrs. T. D. Carneal & J. M. McConnell, Chairmen Com.

The committee deeming the explanation in the Treasurer's letter plausible, were preparing to report, when, feeling difficulty as to the assumption of the particular time when this deficiency occurred, and some difference taking place in relation to the calculation and results, your committee, equally zealous to relieve the individual whose reputation was at hazard, and anxious to do justice to their constituents and the country, applied to three gentlemen skilled in accounts, and well qualified, two of whom, Mr. Pendleton and Mr. Page, made out a general balance sheet, (as per request,) exhibiting the situation of the Treasury, from the 10th of October to the 19th of November inclusive, showing the certain balance on the 2d, 3d, 4th and 19th of November; which balance sheet is referred to and made part of this report.

November 2d, 1824—SAMUEL SOUTH, TREASURER, DR.

To amount of cash received from the 10th October 1824, to the

2d Nov. 1824, on non-residents' lands,	863 84
Ditto, on vacant lands,	364 75
Ditto, on Green river lands,	286 05
Ditto, from Sheriffs,	2,264 92
Ditto, from Clerks,	526 07
Ditto, from Agent of the Penitentiary,	141 00—4,446 63
Amount of checks drawn on the Bank of the Commonwealth, total,	46,738 53

\$51,185 21

CREDITOR.

By balance as reported on the 10th October 1824,	35,457 54
Amount of warrants, from 10th Oct. 1824, to 2d Nov. 1824,	12,133 43
Cash—Specie, \$500, equal, in Commonwealth's notes, to	1,000 00
Illinois note of \$20, do.	10 00
Should be, in Commonwealth's notes,	2,584 24—3,594 24
	<hr/> \$51,185 21

November 3d, 1824—DEBTOR.

To amount of cash received from 10th October 1824, to 3d November 1824, on non-residents' lands,	869 84	
Ditto, on vacant lands,	402 25	
Ditto, on Green river lands,	286 05	
Ditto, from Sheriffs,	2,264 92	
Ditto, from Clerks,	552 57	
Ditto, from Agent of the Penitentiary,	141 00	—4,516 63
Total amount of checks drawn on the Bank of the Commonwealth, up to this day,	47,080 60	
		<hr/> \$51,597 23

CREDITOR.

By balance, as reported on the 10th October, 1824,	35,457 54	
Amount of warrants paid from the above date to this day,	12,331 74	
Cash, in specie, \$500, equal to, in Commonwealth's paper,	1,000 00	
In Illinois paper, \$20, ditto,	10 00	
Should be, in Commonwealth's paper,	2,797 95	—3,807 95
		<hr/> \$51,597 23

Nov. 4th, 1824.—Same as the 3d, no business being done on this day.

November 19th, 1824—DEBTOR.

To amount of cash received from 10th October, 1824, to 19th November, 1824, upon non-residents' lands,	948 49	
Ditto, vacant lands,	585 75	
Ditto, Green river lands,	563 30	
Ditto, Tellico lands,	53 15	
Ditto, from Sheriffs,	5,331 28	
Ditto, from Clerks,	940 21	
Ditto, from Agent of the Penitentiary,	425 00	
Ditto, miscellaneous receipts,	2 55	—8,849 73
Ditto, from the Bank of the Commonwealth,	21,108 64	
Total amount of checks drawn on the Bank of the Commonwealth,	53,626 01	
		<hr/> \$83,584 38

To total amount of Cash received from the 4th November to the 19th November, 1824, exclusive of the sum received from the Bank of the Commonwealth, 4,333 10

The amount the Treasurer received from the Bank of the Commonwealth, which was credited to him on the books of said Bank, 10th Nov. 1824, 21,108 64

CREDITOR.

By balance, as per report of the 10th October, 1824,	35,457	54
Amount of warrants paid from the above date, up to this day,	20,370	60
Amount deposited in the Bank of the Commonwealth, 10th November, 1824,	21,108	64
Ditto, ditto, 19th November, 1824,	1,510	00—22,618 64
Cash, in specie, \$500, equal to, in Commonwealth's paper,	1,000	00
In Illinois paper, \$20, ditto,	10	00
In Commonwealth's paper, as counted by the committee,	2,648	25—3,658 25
Balance due from the Treasurer on this day,	1,479	35
	\$83,584	38

By amount of Warrants paid from the 4th November to the 19th November, 1824, it being the amount paid up to the time the committee counted the money in the Treasury office on the 19th November, 1824, 8,038 86

Checks paid in Bank, from 4th November to 19th November, 1824, dated within this period, 6,153 38

All which, is respectfully submitted, by

JOHN T. PENDLETON,
THOMAS S. PAGE.

By the above balance sheet, your committee ascertained what sum should have been on hand on the 4th day of November, it being the same as on the 3d, to wit, \$2,797 97, on which day the Treasurer stated all the money was lost, except the small sums above mentioned. This then was looked on as a new epoch, a starting point. The counting of the money on the 19th of November, then in the Treasury, by three of the committee, General Allen of the Senate, Messrs. Booker and M'Connell of the House of Representatives, was found to be \$2,648 25, a point of termination. From a further examination of the balance sheet, up to the 19th of November, it will be found the balance due from the Treasurer on that day, was \$1,479 35. No proposition can be more self-evident than this: If there had been lost or purloined from the Treasury, the sum of \$2,797 95, on the 4th, after deducting the small sums as heretofore stated by the Treasurer, the receipts and disbursements thereafter, never could have lessened or restored the loss. That loss would have always appeared the same to the end of time, upon making up and balancing the Treasury account. This seemed to prove to your committee one of two facts, that the sum of \$2,797 95, was not taken from the Treasury on the fourth, the day of the conflagration, or that the sum necessary to reduce the deficiency to the sum of \$1,479 35, had been introduced into the Treasury between the 4th and the 19th.

A letter was addressed to the Treasurer, furnishing him with this balance sheet, and requesting his explanation. To this address and request, the Treasurer returned his answer, accompanied by a balance sheet up to the 19th of December; which letters and balance sheet are made part of this report.

Sir—The committee call your attention to the following extract from the balance sheet, as made out by Messrs. Pendleton and Page, and herewith sent you.

The receipts of money in the Treasury from the 4th of November to the 19th, were	\$ 4,333 10
Checks drawn by you on the Bank of the Commonwealth within that period, and paid,	6,152 38
	<hr/>
Disbursements out of the Treasury upon Auditor's warrants,	\$ 10,486 48
	<hr/>
	8,038 86

Balance in Treasury, \$ 2,447 62

This sum, \$2,447 62, was all the money that could possibly have been in the Treasury on the 19th, the day the money was counted, from the data as furnished by the balance sheet. We find on that day, say 19th, the committee counted the sum of \$2,648 25, and furthermore, that on the 18th you deposited in the Bank of the Commonwealth, the sum of \$1,510. These facts are to the committee unaccountable; they taking it for granted, that on the 4th, all the money in the Treasury was lost, except the amount snatched from the drawer by your son Samuel.

We wait your explanation.

Very respectfully,

Your obedient servants,

THOMAS D. CARNEAL, *Ch'm. S.*

JOHN M. M'CONNELL, *Ch'm. H. R.*

FRANKFORT, DECEMBER 21, 1824.

Gentlemen—On Saturday last I received your letter without date, with a balance sheet. By that sheet, it would appear that on the 19th November 1824, the day to which that account was brought down, there was due from the Treasury the sum of \$1,479 35. By the same balance sheet it appears, that from the 4th to the 19th of November, the whole amount of receipts by me at the Treasury, exclusive of the sum received from the Bank of Kentucky, was \$4,333 10; that the whole amount of warrants paid within those dates, is \$8,038 86; that the amount of checks paid at the bank within those periods, is \$6,153 38. From these facts exhibited by the proof sheet, you infer in your letter, that there should not have been, on the 19th of November, when you

counted the money, more than the sum of \$ 2,447 62 in the Treasury, and that I had deposited on the 18th, the sum of \$ 1,510. Yet the committee counted the sum of \$2,643 25. These facts you suppose are inconsistent with the fact of the loss of the money on the 4th; you say they are unaccountable to the committee, and ask my explanation.

It has ever been my desire and pleasure to afford the committee every facility, information and explanation in my power; and I trust the committee will do me the justice to say they have ever found me ready to do so. As to the statement in their letter above, I cannot pretend to give any other or further explanation than this; that the difficulty suggested by the committee, proceeds from mistakes into which they have inadvertently fallen themselves. How they have committed those mistakes, and the extent of those mistakes, I will not pretend to say; because it is well known to the committee, that their calculations have been made in my absence. I presume that the committee committed, no doubt unintentionally, a mistake in counting the money. I think by the copy of their estimate, which I have obtained a day or two ago, that they did count the same sums of money twice, to produce the sum of \$2,643 25, stated in their letter to me; but of this, the committee can best judge.

The best means I have in my power to show them what I deem an error in their statements, and what I consider the true balance, is to submit the statement of Mr. Pendleton and Mr. Page, who have made a balance sheet for me, which I herewith submit with their remarks. Besides, the mistake with the committee may have originated in errors in dates of warrants, checks or certificates.

If the committee want further explanations, I beseech them to come into the office, examine the books, papers and records, and make their own estimate.

With great respect, &c.

SAMUEL SOUTH, *Tr.*

Messrs. T. D. Carneal & J. M. McConnell, }
Chairmen of the Committee. }

December 13th, 1824—SAMUEL SOUTH, TREASURER, DR.

To cash received from Sheriffs,	30,954 06
Ditto, from Clerks,	3,972 35
Ditto, on Green river lands,	1,207 13
Ditto, on vacant lands,	1,417 45
Ditto, on Tellico lands,	93 15
Ditto, on non-residents' lands,	1,154 94
Ditto, on miscellaneous certificates,	2 55

2 R

whom they required aid, indicated cheerfulness in giving assistance, and every wish to bring the investigation to an useful and satisfactory issue.

From the Senate,

T. D. CARNEAL, *Chairman*,
JAMES ALLEN,
JAMES CRUTCHER,
PETER BARRETT.

From the House of Representatives.

J. M. McCONNELL, *Chairman*,
WILLIAM B. BOOKER,
ENOCH PRINCE,
LEONARD STEPHENS,
JAMES TRUE, JR.
WILLIAM HUNTER,
WILLIAM ROBERTSON,
EDMUND WATKINS.

Which, of course, lays on the table.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

It being communicated to the Senate, that by some means the chairmen of the committees to which were referred bills of the following titles, to wit, "a bill to punish trespassers," and "a bill to authorise the giving of judgment bonds and notes," had lost the same,

Ordered, That said committees have leave to report bills of the same titles and like import with those lost.

Mr. Carneal, from the select committee to which was referred a bill regulating certain officers' fees, reported the same with amendments; which being concurred in, it was ordered that said bill, as amended, be engrossed and read a third time on to-morrow—Yeas 14, nays 14, the Speaker voting in the affirmative.

The yeas and nays being required thereon by Messrs. C. Allan and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Carneal, Dudley, Ewing, Forsythe, Lyon, P. N. O'Bannon, W. B. O'Bannon, Selby, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Ballinger, Beaty, Bowman, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Mayo, Smith, J. Ward and Wickliff.

On motion of Mr. Dudley, leave was given to bring in a bill for the benefit of the infant heir of William Littell, deceased; and Messrs. Dudley, Flournoy and Smith were appointed a committee to prepare and bring in said bill.

Mr. Dudley read and laid on the table a resolution concerning the branches of the Bank of the United States, located in this State; which being joint, lays on the table one day, of course, for consideration.

On motion of Mr. Dawson, leave was granted to bring in a bill to amend the law to provide for the opening of a road from Bowliggreen to the mouth of Clover creek, on the Ohio river; and Messrs. Dawson, Worthington and Stephens were appointed a committee to prepare and bring in said bill.

On motion, a bill from the House of Representatives, entitled "an act further to regulate the Penitentiary," was taken up; and after several amendments being made thereto, the same was committed to a select committee of Messrs. C. Allan, Carneal, Smith, Grutcher, Flournoy and Ewing, for further amendment.

The Speaker laid before the Senate a communication from Richard Taylor and Allen F. Macurdy, in relation to the Penitentiary; which, together with the propositions of William Hardin, Langston and Charles P. Bacon, and Benjamin Hensley, was referred to the last mentioned committee.

On motion of Mr. P. N. O'Bannon, leave was given to bring in a bill to amend the law for the benefit of Mary Kerr and her children; and Messrs. P. N. O'Bannon, Flournoy and Ewing were appointed a committee to prepare and bring in said bill.

Mr. Flournoy, from the select committee to which was referred a bill for the benefit of securities, reported the same without amendment, which was thereupon laid on the table for the present.

On motion of Mr. Wickliff, a bill from the House of Representatives, entitled "an act to establish the seat of justice for Spencer county," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliff inform the House of Representatives thereof.

Mr. Maccoun offered the following resolution, to wit:

Resolved by the Senate, That the Auditor of Public Accounts forthwith report to this house the amount of revenue tax payable by each county in this State, for the years 1821-2-3 and 4; also, the amount of the valuation of taxable property in said counties.

Which being twice read, was adopted.

On motion, a bill further to regulate the Lunatic Asylum, was read a second time and committed to a select committee of Messrs. Flournoy, Beauchamp, Lyon and Muldrow, for amendment; which being shortly thereafter reported by Mr. Flournoy, from

said committee, with an amendment, and the same being concurred in,

Ordered, That said bill, as amended, be engrossed and read a third time on to-morrow.

On motion, a bill imposing a tax on brokers, was taken up, and being amended, on motion of Mr. C. Allan, by striking out a part thereof, it was

Ordered, That the same, as amended, be engrossed and read a third time on to-morrow.

Mr. Dudley, from the select committee raised for that purpose, reported a bill for the benefit of the infant heir of William Littell, deceased; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to the committee for courts of justice.

The Senate then went into a consideration of the orders of the day.

A resolution which originated in the Senate, and which was amended in the House of Representatives, was taken up; and the amendment thereto being twice read, was concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

Engrossed bills of the following titles were severally read a third time, to wit: 1. An act to establish a ferry on Green river, opposite the lands owned by Coleman Carter on both sides of said river; 2. an act to authorise judicial attachments in certain cases.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. J. Allen carry the first, and Mr. Dudley the second, to the House of Representatives, and request their concurrence.

An engrossed bill entitled "an act to amend the law concerning frauds," was read as follows, to wit:

Whereas it appears to the present General Assembly, that much time of the courts, as well as time and money of the litigants, is spent, and many frauds and perjuries are committed by the establishment of verbal contracts and securityships; by reason of which, many valuable and honest citizens of this Commonwealth have been entirely ruined: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no action shall hereafter be brought before any court of record within this Commonwealth, for the collection of money, or to enforce any contract whatever, for the payment or securement of a larger sum than fifty dollars, which contract shall have been entered into, or debt created after the first day of July next, unless the promise or agreement upon which such

action or suit shall be brought, or some note or memorandum thereof, shall be in writing, and signed, either by the obligor in person, or some one duly authorised, in writing, to subscribe the same for him.

And be it further enacted, That all contracts entered into after the first day of July next, for the payment of money or property, or the fulfilment of any other agreement whatever, where one person becomes security for another, shall be void so far as relates to said security, although it may be in writing, except in those cases in which security is required by law, or in relation to the sale of estates of deceased persons.

And the question being taken on the passage thereof, it was decided in the negative—Yeas 3, nays 26.

The yeas and nays being required thereon by Messrs. Flournoy and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Beauchamp, Muldrow and P. N. O'Bannon.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Lyon, Maccoun, Mayo, W. B. O'Bannon, Smith, J. Ward, T. Ward and Yancey.

A bill to amend the act concerning escheats, was taken up, the substitute heretofore proposed by the select committee to which said bill was referred, being under consideration; when the said substitute, being further amended, was adopted, and the bill, as amended, ordered to be re-engrossed and read a third time on tomorrow; and thereupon, the rule, constitutional provision and third reading thereof being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Flournoy carry the said bill to the House of Representatives, and request their concurrence.

The yeas and nays being required on the passage of said bill, by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Ballinger, Barrett, Beaty, Bowman, Carneal, Dawson, Denny, Ewing, Flournoy, Hickman, Lyon, Maccoun, Muldrow, Smith and J. Ward—16.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Davidson, Dudley, Faulkner, Forsythe, Mayo, P. N. O'Bannon, W. B. O'Bannon, T. Ward and Yancey—12.

And then the Senate adjourned.

THURSDAY, DECEMBER 30, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. W. Paterson:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the widow and heirs of James Lapsley," in which they request the concurrence of the Senate.

The Speaker laid before the Senate a letter from the Auditor of Public Accounts, covering a report made in obedience to a resolution adopted by the Senate on yesterday; which was read as follows, to wit:

STATE OF KENTUCKY,

Auditor's Office, Frankfort, December 29, 1824.

SIR—The enclosed Statement you will please to lay before the Senate, and oblige

Yours respectfully,

PORTER CLAY, *Aud. P. A.*ROBERT B. M'AFEE, Esq. *Lieut. Governor, &c.*

COUNTIES.	FOR 1821.			FOR 1822.			FOR 1823.		
	Valua- tion of property as per Com'r's. returns.	Gross Revenue		Value of property as per Com'r's. returns.	Gross Revenue		Value of property, as per Com'r's. returns.	Gross revenue.	
	Dollars.	D.	C.	Dollars.	D.	C.	Dollars.	D.	C.
Adair,	1,659,926	1,118	16	1,729,364	1,141	19	1,614,790	1,104	89
Allen,	716,188	704	13	732,210	504	29	750,292	505	43
Butler,	431,827	298	77	409,684	279	39	423,318	299	23
Boone,	1,281,225	920	55	1,355,260	930	01	1,179,675	779	95
Bullitt,	909,088	672	98	1,051,673	698	07	1,038,375	709	76
Barren,	2,092,234	1,410	41	2,240,609	1,564	45	2,467,246	1,510	20
Bracken,	853,775	561	82	866,340	612	76	872,261	602	08
Bourbon,	5,460,579	4,256	59	5,822,359	4,140	92	5,813,327	4,053	43
Breckinridge	1,071,136	926	75	1,140,414	762	85	1,133,487	787	48
Bath,	1,312,958	1,166	01	1,523,958	1,011	66	1,611,650	1,123	60
Campbell,	1,029,410	775	52	1,144,434	756	88	752,146	497	59
Clay,	339,831	273	14	370,249	256	73	399,659	274	79
Casey,	370,098	464	31	394,022	268	59	423,354	307	14
Calloway,							160,250	133	92
Cumberland,	1,258,561	1,268	26	1,228,855	802	03	1,295,331	878	59
Caldwell,	1,385,594	1,002	72	1,292,094	904	97	1,388,623	937	59
Christian,	4,139,779	2,722	78	3,800,121	2,545	89	3,710,978	2,473	27
Clarke,	3,045,056	2,219	80	3,175,187	2,120		3,161,462	2,217	06
Daveiss,	527,304	543	60	532,520	336	82	497,571	322	99
Estill,	469,215	325	79	497,177	345	74	453,683	324	22
Fayette,	7,745,368	5,895	27	7,942,696	5,516	82	8,114,452	5,693	92
Floyd,	403,664	284	82	316,499	254	76	260,983	221	44
Franklin,	3,156,384	2,533	83	2,918,216	2,163	12	3,154,658	2,293	13
Fleming,	1,022,619	1,476	47	1,995,939	1,526	01	2,077,676	1,557	62

COUNTIES.	For 1821.			For 1822.			For 1823.		
	Valua- tion of property as per Com'rs. returns.	Gross Revenue		Value of property as per Com'rs. returns.	Gross Revenue		Value of property as per Com'rs. returns.	Gross revenue.	
	Dollars.	D.	C.	Dollars.	D.	C.	Dollars.	D.	C.
Graves,	697,591	547	88	807,001	542	38	30,525	32	08
Gallatin,	379,311	277	32	509,692	358	05	835,024	558	72
Grayson,	2,362,935	1,789	20	2,546,668	1,697	20	444,254	309	50
Garrard,	1,969,882	1,357	06	2,714,743	1,970	04	2,602,900	1,745	70
Green,	163,120	149	45	155,945	190	46	2,478,771	1,673	
Grant,	428,292	336	30	515,185	404	73	180,447	179	41
Greenup,	555,648	396	02	634,714	411	83	457,688	314	06
Hart,	149,949	102	08	207,095	134	67	683,988	456	27
Harlan,	366,527	569	76	874,651	605	23	192,151	123	84
Hopkins,	1,263,070	1,071	62	1,279,844	878	94	937,807	648	20
Henderson,	1,813,470	1,332	74	2,017,598	1,416	06	1,291,048	865	42
Henry,	2,561,846	1,987	80	2,607,516	1,764	60	2,310,709	1,632	05
Harrison,				208,545	151	58	2,550,643	1,734	89
Hickman,	1,819,458	1,280	25	1,810,254	1,198	95	92,405	72	76
Hardin,	7,564,343	5,508	36	7,026,798	4,938	62	1,787,216	1,176	32
Jefferson,	2,277,028	2,317	50	2,491,271	1,878	32	6,952,306	5,168	08
Jessamine,	378,130	277	70	400,247	352	65	2,517,040	1,694	98
Knox,	1,042,640	690	11	1,004,979	664	70	444,960	341	27
Livingston,	2,714,955	1,785	27	2,876,518	1,891	88	998,670	667	17
Lincoln,	512,714	376	54	522,047	385	78	2,838,302	1,923	31
Lewis,				126,312	93	97	454,645	365	16
Lawrence,	3,806,270	2,713	78	3,619,415	2,388	70	131,988	90	49
Logan,							3,515,750	2,450	85
Morgan,	3,745,166	2,840	99	3,740,102	2,560	52	111,270	73	55
Mason,	1,856,951	1,495	09	2,177,068	1,438	59	3,638,603	2,637	13
Montgomery,	3,724,450	2,855	62	3,991,418	2,652	31	2,312,361	1,556	66
Madison,	3,609,631	2,818	66	4,284,164	2,902	44	4,013,663	2,687	71
Mercer,	731,201	514	14	707,054	508	40	4,299,390	2,866	68
Mahlenberg,	591,582	427	63	617,249	407	78	812,077	563	21
Monroe,	3,410,716	2,315	83	3,488,548	2,470	33	551,635	416	26
Nelson,	1,120,118	808	53	1,298,322	896	61	3,733,229	2,566	99
Nicholas,	499,040	429	51	500,333	385	32	1,272,952	865	45
Owen,	539,076	374	42	525,629	365	67	635,542	534	30
Ohio,	112,578	82	36	122,364	83	48	531,245	379	86
Perry,				99,246	65	03	140,548	104	60
Pike,	393,437	267	32	430,320	264	87	104,402	82	76
Pendleton,	886,797	815	22	962,985	707	23	406,712	313	22
Pulaski,	280,594	225	42	356,015	270	41	1,011,679	714	51
Rockcastle,	1,013,286	731	40	1,027,314	727	69	376,870	277	32
Simpson,	4,860,342	3,712	35	6,012,515	4,026	47	739,947	675	19
Shelby,	3,316,485	2,497	44	3,361,983	2,355	23	5,507,703	3,773	15
Scott,	1,656,256	1,166	73	1,949,233	1,313	78	3,441,148	2,427	31
Todd,	762,493	527	61	885,030	629	19	2,006,729	1,320	29
Trigg,	804,981	529	29	773,684	521	55	864,953	605	28
Union,	2,739,575	1,828	13	2,666,879	1,852	66	774,746	516	22
Warren,	177,463	140	91	188,740	259	46	2,724,078	1,606	42
Whitley,	3,585,024	2,641	74	4,021,731	2,675	75	211,370	164	14
Woodford,	3,108,106	2,097	14	2,892,427	1,933	25	4,498,568	2,966	21
Washington,	917,980	644	74	994,055	696	43	2,721,348	1,861	19
Wayne,							991,058	692	73

In compliance with a resolution which passed the Senate and was handed me this day, I have made out the foregoing statement; it includes the years 1821, 1822 and 1823.

I regret that it is out of my power to make out a statement for 1824, as required by the resolution. The commissioners' books have been but partially returned, and owing to the multiplicity of business, (always before us at this season of the year,) I am compelled to defer the calculation of the revenue until the spring of the year.

PORTER CLAY, *Aud. Pub. Act's.*

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

Mr. Lyon, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed sundry enrolled bills which originated in that house, of the following titles, to wit: An act to establish the seat of justice for Spencer county; an act to establish the town of Pikeville, in the county of Pike; an act to authorise M'Murtry and Ward, of Greenup county, to raise their mill-dam across Little Sandy, higher; an act for the benefit of John Cocke and others; an act to erect election precincts in certain counties in this Commonwealth, and for other purposes; an act to authorise the county court of Washington county to appoint one additional Constable in said county, and for other purposes; and that the same were now presented for the signature of the Speaker of the Senate, which was thereupon affixed thereto, and the same were handed over to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty, Mr. Lyon shortly thereafter reported was performed.

Mr. Maccoun, from the committee of religion, made the following report, to wit:

The committee of religion have, according to order, had under consideration the petition of John Neff, praying for a divorce from his wife, Nancy, and have come to the following resolution thereupon, to wit:

Resolved, That said petition *is reasonable*.

Mr. Crutcher moved to strike out the words "is reasonable," and insert in lieu thereof, *be rejected*; and the question being taken thereon, it was decided in the negative; which being equivalent to concurring in said report and resolution, the same were thereupon concurred in.

Mr. Maccoun, from the same committee, to which was referred a bill from the House of Representatives, entitled "an act for the benefit of Hannah Mayberry and Sarah Dale," reported the same with an amendment, by way of additional section, for the benefit of John Neff, which was adopted; and the bill thereupon ordered to be read a third time.

Mr. Dawson moved an amendment, by way of engrossed ryder, for the benefit of Nancy Nix, which was adopted, and the bill, as amended, was thereupon read as follows. to wit:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriages now existing between Hannah Mayberry and her husband Joseph Mayberry, also Sarah Dale, wife of Alexander Dale, be and the same are hereby totally dissolved.

§ 2. *And be it further enacted,* That the above named Hannah Mayberry and Sarah Dale, are severally divorced and restored to all the privileges which they enjoyed before their marriage.

§ 3. *Be it further enacted,* That the marriage between John Neff and his wife Nancy, be, and the same is hereby dissolved, and said John and Nancy are restored to all the rights enjoyed by them previous to their intermarriage.

§ 4. *Be it further enacted,* That Nancy Nix be, and she is hereby divorced from her husband, James Nix.

And the question being taken on the passage thereof, it was decided in the negative—Yeas 11, nays 22.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Beaty, Davidson, Dawson, Ewing, Hughes, Lyon, Mac-coun, W. B. O'Bannon and T. Ward.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Barrett, Beauchamp, Bowman, Carneal, Crutcher, Denny, Dudley, Faulkner, Flournoy, Forsythe, Hickman, Mayo, Muldrow, P. N. O'Bannon, Selby, Stephens, J. Ward, Wickliff, Worthington and Yancey.

A message from the House of Representatives, by Mr. G. Robertson:

Mr. Speaker—The House of Representatives have adopted a resolution fixing on a day for the final adjournment of the General Assembly; in which they request the concurrence of the Senate.

Mr. J. Allen, from the joint committee raised to examine and report the situation of the branch of the Bank of the Commonwealth located at Greensburg, made the following report, to wit:

The joint committee appointed by the Senate and House of Representatives, to examine the report from the Greensburg Branch Bank of the Bank of the Commonwealth of Kentucky, and into the situation of the debts due the said Bank at the Branch aforesaid, have performed that duty, and find the debts due at said branch generally well secured, with few exceptions.

From the Senate,

JAMES ALLEN,
JOEL YANCEY,
GRANVILLE BOWMAN.

From the House of Representatives,
 SAMUEL BRENTS,
 WILLIAM PATTERSON,
 R. D. MAUPIN,
 CLAYTON MILLER,
 GEORGE GALLOWAY,
 DUDLEY ROUNDTREE,
 LEMUEL WILLIAMS.

Which was laid on the table for the present.

Mr. Worthington, from a similar committee, made the following report, to wit:

The joint committee appointed to examine the report of the Branch Bank at Hartford, make the following report: That the debts due the institution, with the exception of three hundred and fifty-six dollars bad debts in the county of Henderson, and fifty dollars doubtful debts in the same county, and four hundred and twenty-nine dollars doubtful in Union county, appear to be well secured; and all the directors, with one exception, appear to have complied with the requisitions in respect to the calls and discounts, and in other respects, the institution appears to have been conducted agreeably to law.

From the Senate,
 WM. WORTHINGTON,
 ROBERT STEPHENS.
From the House of Representatives,
 JOHN STERRETT,
 JEREMIAH COX,
 WM. SPALDING,
 GEORGE MORRIS,
 EDMUND WATKINS,
 PHILIP TRIPLETT,
 ROBERT MOSELEY,

Which was likewise laid on the table for the present.

Mr. Dawson, from a similar committee, made the following report, to wit:

The joint committee appointed to examine the report of the Bowling-Green Branch Bank, make the following report: That the debts due the institution, (with the exception of six hundred and twelve dollars bad debts in the county of Warren, and also from the county of Logan, two thousand nine hundred and twenty-six dollars and fifty cents; also three thousand six hundred and sixty-two dollars doubtful in said county of Logan, and three hundred and twenty-three dollars bad debts in the county of Simpson,) appear to be well secured, and all the directors, except two, appear to have complied with the requisitions in respect to the calls and discounts; and in all other respects the institution appears to have been conducted agreeably to the charter.

From the Senate,

P. N. O'BANNON,
ANACK DAWSON.

From the House of Representatives,

JOHN PORTER,
WILLIAM HODGE,
W. THOMAS,
P. MOREHEAD,
THOMAS MIDDLETON,
W. C. PAYNE.

Which was likewise laid on the table for the present.

Mr. C. Allan, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to appropriate fines and forfeitures," reported the same with a substitute, by way of amendment, in lieu of the original bill, which was rejected; when the bill was further amended, and ordered to be read a third time as amended; which being done, and the question being taken on the passage thereof,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty inform the House of Representatives thereof, and request their concurrence in said amendments.

On motion of Mr. Stephens, a bill from the House of Representatives, entitled "an act for the removal of the seat of justice of Meade county," was taken up, and read the first time, and ordered to be read a second time; when the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to the committee of propositions and grievances, for amendment.

On motion of Mr. Denny, the report and resolution from the House of Representatives, relative to the decisions of the Court of Appeals upon the replevin laws, &c. were taken up; whereupon, the resolution being twice read, was concurred in—Yeas 19, nays 10.

The yeas and nays being required thereon by Messrs. Denny and Bowman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Selby, Stephens, T. Ward and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Flournoy, Howard, Muldrow and J. Ward.

The preamble to said resolution was then read.

Mr. C. Allan moved to strike out the following words, to wit: "And even to the occupying claimants of land," which occur in the first part of said preamble; and the question being taken on

striking out said words, it was decided in the negative—Yeas 9, nays 18.

The yeas and nays being required thereon by Messrs. C. Allan and Denny, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Flournoy, Howard, Muldrow and J. Ward.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Selby, T. Ward and Yancey.

The question was then taken on concurring in said preamble, and decided in the affirmative—Yeas 21, nays 10.

The yeas and nays being required thereon by Messrs. Beauchamp and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow and J. Ward.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Faulkner, from the select committee to which was referred a bill to punish trespassers, (said bill being lost,) reported (by virtue of leave given on yesterday) a bill of like title and import; which, taking that station in the business of the Senate which was occupied by the original bill, was read a second time, and committed to a select committee of Messrs. Carneal, Hughes and Faulkner, for amendment.

On motion, leave was given Mr. Lyon to withdraw the petitions and papers heretofore filed, relative to the division of Caldwell county; and Mr. Selby to withdraw the petitions and papers in relation to the formation of a new county out of the counties of Adair, Wayne and Cumberland.

And then the Senate adjourned.

FRIDAY, DECEMBER 31, 1824.

The Senate assembled.

A message from the House of Representatives, by Mr. Watkins.

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to regulate the

circuit courts within the 14th judicial district," with amendments, in which they request the concurrence of the Senate.

Whereupon, on motion, the said bill was taken up, and the amendments proposed thereto twice read and concurred in.

Ordered, That Mr. Lyon inform the House of Representatives thereof.

On motion of Mr. Hughes, a bill from the House of Representatives, entitled "an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky," was taken up and passed to a second reading.

Mr. Ewing read and laid on the table the following joint resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the following joint rule be adopted for the regulation of future business, viz.

"All bills and resolutions, on their passage between the two Houses, shall be placed first in the orders of the day, according to their state of forwardness."

When, on motion, the rule, provision, &c. requiring joint resolutions to lay over one day for consideration, were dispensed with, and the resolution was twice read and adopted.

Ordered, That Mr. Ewing carry the same to the House of Representatives, and request their concurrence.

Mr. Barrett presented the petition of Minor Winn, praying the passage of a law authorising him to perfect a compromise, &c. in relation to certain lands; which was referred to the committee for courts of justice.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill for the benefit of the infant heir of William Littell, deceased, reported the same without amendment, and the said bill was thereupon ordered to be engrossed and read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the same to the House of Representatives, and request their concurrence.

Mr. C. H. Allen also reported a bill concerning a Digest of the Decisions of the Court of Appeals, from the committee to which was referred the petition of J. W. Denny and P. W. Grayson; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. P. N. O'Bannon, from the select committee raised for that purpose, reported a bill for the benefit of the widow and heirs of James Kerr, deceased; which passed to a second reading.

Mr. Maccoun, from the select committee raised for that purpose, reported a bill to provide for the construction of a canal at the falls of Ohio; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to the committee for courts of justice.

Mr. Beaty, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to provide for the sale of the vacant lands west of the Tennessee river," reported the same with amendments, which were severally concurred in.

Mr. C. H. Allen moved to amend the 3d and 9th sections of said bill, by striking out the words "one dollar," where they occur in each of those sections, and inserting in lieu thereof, *two dollars*; and the question being taken thereon, it was decided in the negative—Yeas 5, nays 28.

The yeas and nays being required thereon by Messrs. C. H. Allen and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Beaty, Mayo and Smith.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Barrett, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward, T. Ward, Worthington and Yancey.

Mr. C. H. Allen then moved to strike out the same words, and insert *one dollar and fifty cents*; and the question being taken thereon, it was decided in the negative—Yeas 9, nays 24.

The yeas and nays being required thereon by Messrs. C. H. Allen and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Beaty, Faulkner, Hickman, Mayo, Selby, Smith and Worthington.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Dudley, Ewing, Flournoy, Forsythe, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, J. Ward, T. Ward and Yancey.

Mr. Dudley moved to insert, after the word "dollar," in the ninth section, the words, *fifty cents*; which was rejected.

Whereupon the bill being further amended, was ordered to be read a third time; which being done, the question was taken on the passage thereof, and decided in the affirmative—Yeas 26, nays 8.

The yeas and nays being required thereon by Messrs. C. H. Allen and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Barrett, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Ewing, Flournoy, Forsythe, Hickman, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward, T. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Beaty, Beauchamp, Dudley, Faulkner, Mayo and Smith.

Ordered, That the title thereof be as aforesaid, and that Mr. Lyon inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Carneal, from the select committee to which was referred a bill to punish trespassers, reported the same with amendments; whereupon the bill and amendments were re-committed to a select committee of Messrs. Denny, Flournoy, Beauchamp, Carneal and C. Allan.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Holt:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the relief of the Sheriffs of Christian and Henry counties; an act concerning Kentucky land warrants that may have been lost; the latter with an amendment, in which they request the concurrence of the Senate. They have also passed bills which originated in that house, of the following titles, to wit: An act for the benefit of Emily Nixon and Beverly Leester; an act to amend the law imposing a forfeiture for failing to improve lands in this Commonwealth; an act to legalize the proceedings of the Harrison county court, and for other purposes; an act to authorise the keeper of the upper turnpike gate on the road from Georgetown to Cincinnati, to remove the same; an act to provide for ferrying the citizens of Greenup county across Little Sandy, on election days, and for other purposes; an act authorising Col. Richard Taylor to perform the duties of Tipstaff to the General Court, for a limited time; an act to authorise advertisements to be made in the Western Luminary and Farmers' Register, and Village Chronicle; an act to legalize the proceedings of the proprietors of the town of Lewisburg; an act for the benefit of the heirs of John H. Holt, and an act for the benefit of Fanny Rooney; in which bills they request the concurrence of the Senate.

2. By Mr. W. C. Payne:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to establish a new county out of parts of Warren, Hart and Grayson counties," in which they request the concurrence of the Senate.

3. By Mr. Rodman:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled “an act concerning theatrical performances.” They have also passed a bill which originated there, entitled “an act for the benefit of Edmund Bartlett,” in which they request the concurrence of the Senate.

4. By Mr. Moseley:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled “an act to provide for reporting the decisions of the Court of Appeals,” with amendments, in which they request the concurrence of the Senate.

5. By Mr. Holt:

Mr. Speaker—The House of Representatives have adopted a reply and resolution relative to the response of the Judges of the Court of Appeals; in which they request the concurrence of the Senate.

6. By Mr. Crittenden:

Mr. Speaker—The House of Representatives have adopted a resolution requesting our Representatives in Congress to vote for General Andrew Jackson as President of the United States; in which they request the concurrence of the Senate.

7. By Mr. B. Hardin:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled “an act to amend an act entitled an act to keep open the navigation of the Beech fork of Salt river, and other water courses,” with an amendment; in which amendment they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on yesterday, approve and sign enrolled bills and a resolution which originated in the Senate, of the following titles, to wit: An act to authorise the Clerk of the Graves county and circuit courts to transcribe certain records; an act for the relief of William Yates, and a resolution for paying the Building Commissioners of the Penitentiary.

Mr. Dawson, from the select committee raised for that purpose, reported a bill to amend an act for opening a road from Bowling-green to the mouth of Clover creek on the Ohio river; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof, were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dawson carry the same to the House of Representatives, and request their concurrence.

Mr. Beauchamp, from the select committee to which was referred a bill to amend an act entitled “an act to revive and amend

the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth," approved the 7th day of January 1824, reported the same with an amendment, by way of additional section, which was concurred in, and the bill, as amended, ordered to be re-engrossed and read a third time on to-morrow.

Mr. Lyon, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to add a part of the county of Caldwell to the county of Trigg," reported the same without amendment, and the said bill was ordered to be read a third time; whereupon the third reading thereof was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon inform the House of Representatives thereof.

Mr. Maccoun, from the select committee to which was referred a bill to amend the law regulating the issuing of tavern licenses, reported the same with amendments, which were concurred in, and the bill, as amended, ordered to be re-engrossed and read a third time on to-morrow.

Mr. Beaty, from the select committee raised for that purpose, reported a bill to amend the law establishing the wilderness and turnpike road, and for other purposes; which was read, and the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

On motion of Mr. Denny, a bill to regulate the salaries of the Judges of the Court of Appeals, was taken up and read a second time.

Mr. Beauchamp moved to strike out the 4th section of the bill; which motion was decided in the negative.

Mr. C. Allan moved to strike out the second section thereof; which was also decided in the negative.

Whereupon Mr. C. Allan moved the following amendment, by way of addition to the bill, to wit:

Be it further enacted, That this act shall commence and be in force from and after the first day of February, in the year 1826.

And be it further enacted, That the operation of an act of the present session, entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved on the — of the present month, be, and the same is hereby suspended until the said first day of February in the year 1826.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 7, nays 28.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Bowman, Davidson, Faulkner, Flournoy, Hickman and Muldrow.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward, T. Ward, Worthington and Yancey.

The bill was thereupon ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Dawson, a bill from the House of Representatives, entitled "an act to establish a new county out of parts of Warren, Hart and Grayson counties," was taken up and passed to a second reading.

On motion, an engrossed bill entitled "an act for the benefit of the heirs of John Garland, deceased," was taken up and read a third time, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

A bill entitled "an act to provide for reporting the decisions of the Court of Appeals," was taken up, the amendment made in the House of Representatives being under consideration; and the same being twice read, was concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

An engrossed bill entitled "an act to amend the charter of the Shelbyville and Louisville turnpike road company," was read a third time, and referred to a select committee of Messrs. Dudley, Denny, C. H. Allen and Flournoy.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Dudley—1. A bill to provide for the distribution and preservation of the public lawbooks.

On motion of Mr. Crutcher—2. A bill further to regulate the Auditor's and Treasurer's offices.

Messrs. Dudley, C. Allan and Yancey were appointed a committee to prepare and bring in the first; and Messrs. Crutcher, Dawson and Ewing, the second.

On motion, the report of the Commissioners appointed at the last session of the General Assembly, to examine and report the condition of the Penitentiary, together with sundry documents therewith filed, was referred to the committee raised to examine the accounts and conduct of the Keeper, Agent and Building Commissioners of said institution.

On motion of Mr. Faulkner, a bill from the House of Representatives, entitled "an act for the benefit of Fanny Rooney," was taken up and passed to a second reading; when, on motion, the

rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

On motion, the preamble and resolution in reply to the response of the Judges of the Court of Appeals, was taken up; and the resolution being twice read, was concurred in—Yeas 29, nays 2.

The yeas and nays being required thereon by Messrs. Denny and T. Ward, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Crutcher, Daniel, Davidson, Dawson, Denny, Dudley, Ewing, Forsythe, Hickman, Hughes, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. Faulkner and Flournoy.

And pending the consideration of the preamble to said resolution, the Senate adjourned.

SATURDAY, JANUARY 1, 1825.

The Senate assembled.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Wingate:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to establish election precincts in certain counties in this Commonwealth."

2. By Mr. H. O. Brown:

Mr. Speaker—The House of Representatives have adopted a resolution for uniting the Public Printing; in which they request the concurrence of the Senate.

3. By Mr. L. Williams:

Mr. Speaker—The House of Representatives disagree to a bill which originated in the Senate, entitled "an act to establish the county of Russell."

4. By Mr. Mayo:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of the securities of Stephen Harper, late Sheriff of Floyd county."

5. By Mr. Joyes:

Mr. Speaker—The House of Representatives have received official information, that the Governor did, on the 30th ultimo, ap-

prove and sign enrolled bills which originated in that house, of the following titles, to wit: An act to establish the seat of justice for Spencer county; an act to establish the town of Pikeville, in the county of Pike; an act to authorise M'Murtry and Ward, of Greenup county, to raise their mill-dam across Little Sandy, higher; an act for the benefit of John Cocke and others; an act to erect precincts in certain counties in this Commonwealth, and for other purposes; and an act to authorise the county court of Washington county to appoint one additional Constable in said county, and for other purposes.

6. By Mr. H. C. Payne:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to amend the act entitled an act providing for copying certain records in the Surveyor's office of Fayette county," with an amendment; in which amendment they request the concurrence of the Senate.

7. By Mr. Cosby:

Mr. Speaker—The House of Representatives have passed bills of the following titles, to wit: An act for the benefit of the widow and heirs of Philip Audd, and an act for the benefit of the heirs of Joseph Ray and William M'Dowell, William S. M'Dowell and Samuel I. M'Dowell; in which bills they request the concurrence of the Senate.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beaty—1. A bill for the benefit of the Sheriff of Adair county.

On motion of Mr. T. Ward—2. A bill to attach the county of Greenup to the first bank district.

Ordered, That Messrs. Beaty, Selby and Davidson prepare and bring in the first, and Messrs. T. Ward, W. B. O'Bannon and Hughes, the second.

Mr. Beaty, from the joint committee appointed to examine the report from the Somerset Branch Bank, made the following report, to wit:

The joint committee appointed to examine the Somerset branch of the Bank of the Commonwealth, having carefully examined and inspected the same, beg leave to report: That the debts of the said branch bank, as far as they are able to judge, are well secured, with the exception of two in the county of Lincoln, amounting to \$852, which they consider as lost. The President and Directors of the said branch bank have been punctual in the renewal of their notes, and in the payment of their calls and discounts, as appears from the said report.

From the Senate,

MARTIN BEATY,
RICHARD BALLINGER,
JAMES DAVIDSON.

From the House of Representatives,

C. M. CUNNINGHAM,
BOURNE GOGGIN,
JAMES FARMER,
RODES GARTH.

Mr. Howard, from the joint committee appointed to examine the Bank of Kentucky, made the following report, to wit:

The joint committee of the Senate and House of Representatives, appointed to examine and report to the Legislature, the situation of the Bank of Kentucky, herewith report a statement of the situation of that institution on the 14th of December 1824, exhibiting the amount of its capital stock, designating the amount owned by the State, from the amount owned by individuals, the amount of debts due by individuals, the amount of deposits therein, designating the amount of special deposits, whether in specie or paper, also the amount of notes of the said Bank in circulation, and the amount of specie on hand.

The committee deem it proper to state, that the statement of the situation of the Bank, now reported, has been made out by the officers of the Bank, and is signed by the President and Cashier. The want of time to devote to a minute investigation, has prevented them from comparing the evidences in possession of the Bank, with the items of the report, although every facility to make that investigation, has been offered by the officers of the Bank.

From the Senate,

THOMAS C. HOWARD,
CHILTON ALLAN,
YOUNG EWING,
THOMSON WARD.

From the House of Representatives,

GEORGE GALLOWAY,
ROBERT TAYLOR,
STEPHEN MULLINS,
WILLIAM WADE,
BOURNE GOGGIN,
A. OLDHAM,
GEORGE MORRIS,
JOHN STERRETT.

A statement of the situation of the Bank of Kentucky, Dec. 14, 1824.

DEBTOR.

Due to other banks,	1,242 59
Notes issued,	408,879 06
Surplus profits,	170,394 73
Current profits since first July,	84,986 32

Stock,	1,391,058 00
Do. residuary,	173,240 00
Due to the Treasury United States,	27,363 12
Due to individuals,	175,943 84

\$2,383,107 66

CREDITORS

Current expences,	7,336 12
Due from other banks,	47,627 01
Real estate,	362,265 26
Due from individuals,	1,488,723 50
Defalcations at branches,	28,665 21
Cash on hand—Specie,	59,649 60
Notes of other banks,	6,569 60
Kentucky notes,	246,415 00
Notes Bank Commonwealth,	135,856 36

\$2,383,107 66

Deposites in Kentucky notes, due to individuals,	40,341 34
Treasury United States,	27,363 12

67,704 46

Deposites payable in specie,	19,941,03
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\$87,645 49

The Bank holds notes for the rent of property, which have not been carried into the general accounts, amounting to \$7,684 50.

J. HARVIE, *President.*

WILL. S. WALLER, *Cashier.*

Specifications required by the resolution of the General Assembly, raising a Committee for examining into the situation of the Bank of Kentucky.

Stock owned by the State,	537,030
Individuals,	854,028—1,391,058
Residuary interest on surrendered stock,	173,240

A distribution of ten dollars the share, in notes of the Bank of the Commonwealth of Kentucky, was declared in July last, upon the capital stock, of which there remains undrawn, and standing to the credit of the stockholders respectively, the sum of

52,822

Due to the Bank by individuals,	1,488,723 50
Banks,	47,627 01—1,536,350 51

Deposites—Treasury United States,	27,363 12
Banks,	1,242 59
Individuals,	175,943 84
Of said deposits, there is in specie,	19,941 03
Kentucky notes,	67,704 46
	87,645 49

A considerable portion of the balance of deposits cannot be withdrawn, inasmuch as they are payments from persons indebted to the bank upon notes not under regular discount.

Notes issued by the Bank,	408,379 06
Redeemed and now on hand,	246,415

Now afloat,	\$162,464 06
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Specie,	59,649 60
Deposites in specie,	19,941 03

Belonging to the Bank,	\$39,708 57
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Mr. Crutcher offered the following resolution, which was twice read and adopted, to wit:

Resolved, That the standing hour of adjournment, during the remainder of the present session, shall be to meet at 9 of the clock A. M. on each day.

Mr. Yancey, from the joint committee of enrolments, reported that said committee had examined an enrolled bill entitled "an act for the benefit of Fanny Rooney;" that they had found the same truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and the said bill was delivered over to said committee, to be laid before the Governor, for his approbation and signature; and after a short time, Mr. Bowman reported that they had discharged that duty.

Mr. Denny presented the petition of Louis A. Tarascon, praying the passage of a law incorporating a company for the encouragement of foreign trade, &c.; which was referred to a select committee of Messrs. Denny, Ewing, Maccoun, Howard and Carneal.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

The following messages were received from the House of Representatives, to wit:

1. By Mr. J. G. Hardin:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to add a part of Monroe, to Allen county, and for other purposes."

2. By Mr. New:

Mr. Speaker—The House of Representatives have concurred in the amendments made by the Senate, to a bill which originated in that house, entitled “an act to provide for the sale of the vacant lands west of the Tennessee river.”

3. By Mr. Hunter:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled “an act for the benefit of the infant heir of William Littell, deceased;” and they have passed bills which originated in that house, of the following titles, to wit: An act for the benefit of the Union Rolling Mill Company; an act for the benefit of Jonathan Taylor, and an act to change the time of holding the county and circuit courts of Meade, and the circuit court of Grayson county; in which bills they request the concurrence of the Senate.

4. By Mr. Dallam:

Mr. Speaker—The House of Representatives have passed a bill entitled “an act for the divorce of sundry persons,” in which they request the concurrence of the Senate.

5. By Mr. W. C. Williams:

Mr. Speaker—The House of Representatives have passed a bill entitled “an act to further regulate the pay of Sheriffs, for comparing polls for Governor and Lieutenant-Governor;” in which they request the concurrence of the Senate.

On motion of Mr. Barrett, a bill from the House of Representatives, entitled “an act for the benefit of the Sheriff of Harrison county,” was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Barrett inform the House of Representatives thereof.

On motion of Mr. Denny, a bill from the House of Representatives, entitled “an act authorising Colonel Richard Taylor to perform the duties of Tipstaff to the general court for a limited time,” was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

On motion of Mr. Hughes, a bill from the House of Representatives, entitled “an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky,” was taken up and read a second time.

Mr. Forsythe moved to lay the same on the table until the first day of June next; which was decided in the negative, and the bill was ordered to be read a third time on Monday next; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. Forsythe and Bowman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Beauchamp, Crutcher, Daniel, Denny, Dudley, Ewing, Hickman, Howard, Hughes, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, J. Ward, T. Ward, Wickliff, Worthington and Yancey—21.

Those who voted in the negative, are, Messrs. J. Allen, Barrett, Beaty, Bowman, Davidson, Dawson, Faulkner, Flournoy, Forsythe, P. N. O'Bannon and Selby—11.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

Mr. Bowman moved to take up a resolution from the House of Representatives, fixing on a day for a final adjournment of the Legislature; and the question being taken thereon, it was decided in the affirmative—Yeas 19, nays 14.

The yeas and nays being required thereon by Messrs. C. H. Allen and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Beaty, Beauchamp, Bowman, Crutcher, Davidson, Dawson, Dudley, Faulkner, Flournoy, Hickman, Howard, Hughes, Maccoun, Muldrow, W. B. O'Bannon, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. J. Allen, Barrett, Daniel, Denny, Ewing, Forsythe, Lyon, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Whereupon, the same being twice read, Mr. Carneal moved to strike out the "7th January," leaving the day blank; which was decided in the affirmative—Yeas 23, nays 11.

The yeas and nays being required thereon by Messrs. Bowman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow and Wickliff.

When, on motion, the said resolution was laid on the table until the 8th inst.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to provide for the distribution and preservation of the public law books; which passed to a second reading.

On motion, a bill which originated in the Senate, and was amended in the House of Representatives, entitled "an act to amend an act entitled an act to keep open the navigation of the Beechfork of Salt river, and other water courses," was taken up, and the said amendment being twice read, was concurred in.

Ordered, That Mr. Wickliff inform the House of Representatives thereof.

The Senate then, on motion, proceeded to a consideration of the preamble reported from the House of Representatives, in reply to the response of the Judges of the appellate court, (the resolution reported therewith, having been concurred in on yesterday,) whereupon the same was read, and Mr. C. Allan moved the following resolution relative thereto, to wit:

Resolved, That so much of the reply just read, as relates to theology, be referred to the committee of religion, and that they report their opinion thereupon; and that so much of said reply as is written in the dead languages, be referred to a committee, who are required to translate the same into plain English.

And the question being taken on the adoption of said resolution, it was decided in the negative—Yeas 8, nays 24.

The yeas and nays being required thereon by Messrs. Denny and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Hickman, Howard and Muldrow.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Flournoy, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, Worthington and Yancey.

The question was then taken on concurring in said preamble, and decided in the affirmative—Yeas 23, nays 10.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow and J. Ward.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

Mr. Ewing thereupon moved that the public printers forthwith print 1,500 copies of said preamble and resolution, for the use of the members of the General Assembly; and the question being taken thereon, it was decided in the affirmative—Yeas 22, nays 12.

The yeas and nays being required thereon by Messrs. C. H. Allen and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Howard, Muldrow and J. Ward.

Mr. Beaty moved that 1,500 copies of the response of the Judges of said appellate court, be also printed; and the question being taken thereon, it was decided in the negative—Yeas 14, nays 20.

The yeas and nays being required thereon by Messrs. C. H. Allen and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Carneal, Davidson, Dudley, Faulkner, Flournoy, Howard, Lyon, Maccoun, Mayo and Muldrow.

Those who voted in the negative, are, Messrs. J. Allen, Ballinger, Beauchamp, Bowman, Crutcher, Daniel, Dawson, Denny, Ewing, Forsythe, Hickman, Hughes, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, Worthington and Yancey.

On motion of Mr. Lyon, it was ordered that the public printers forthwith print 500 copies of each of the following Acts of Assembly, passed during the present session, to wit: "An act to provide for the sale of the vacant lands west of the Tennessee river," and "an act for appropriating the vacant land in the State of Tennessee, between Walker's line and latitude 36 degrees and 30 minutes," for the use of the General Assembly.

On motion of Mr. Crutcher, a bill from the House of Representatives, entitled "an act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson," was taken up; and the rule, constitutional provision and first and second readings thereof being dispensed with, the same was thereupon referred to a select committee of Messrs. Crutcher, Dawson, Denny and Wickliff, for amendment.

Mr. Beaty, from the select committee raised for that purpose, reported a bill for the benefit of the Sheriff of Adair county; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beaty carry the same to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

MONDAY, JANUARY 3, 1825.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act to provide for the sale of the vacant lands west of Tennessee river; an act for the benefit of the Sheriff of Harrison county; an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky; an act authorising Colonel Richard Taylor to perform the duties of Tipstaff to the General Court, for a limited time: Also, bills and a resolution which originated in the Senate, of the following titles, to wit: An act to provide for reporting the decisions of the Court of Appeals; an act concerning land warrants that may have been lost; an act for the relief of the Sheriffs of Christian and Henry counties; an act concerning theatrical performances; an act to regulate the circuit courts within the 14th judicial district; an act for the benefit of the securities of Stephen Harper, late Sheriff of Floyd county; an act to amend an act entitled "an act to keep open the navigation of the Beech fork of Salt river, and other water courses;" a resolution fixing on a day for the election of public officers; and that the same were truly enrolled.

Ordered, That said committee carry the said bills and resolution to the House of Representatives, for the signature of their Speaker.

Mr. Barrett, from the select committee raised for that purpose, reported a bill for the benefit of the Directors of the Bank of the Commonwealth; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Beauchamp, Hughes, Flournoy and Barrett.

Mr. Crutcher, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson," reported the same without amendment, and said bill was ordered to be read a third time; whereupon the third reading was dispensed with, and the question being taken on the passage thereof,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

On motion of Mr. Davidson, leave was given to bring in a bill for the benefit of Henry S. Langford; and Messrs. Davidson, Faulkner and Bowman were appointed a committee to prepare and bring in said bill.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill to attach the county of Greenup to the first bank district; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. Ward carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Taylor:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to reduce the number of Directors of the Bank of Kentucky," in which they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed the enrolled bills and resolution which originated in both houses of the General Assembly, which were reported by the committee of enrolments on this day.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature; which duty, Mr. Yancey shortly thereafter reported was performed.

Mr. Ewing, from the select committee to which was referred sundry military nominations, to wit, Simon R. Baker, brigadier general of the 7th brigade, vice William Reid, promoted; Thomas Donovan, colonel of the 69th regiment, vice Simon R. Baker, if promoted, and Thomas Wells, lieutenant colonel of the same regiment, vice Thomas Donovan, if promoted, made the following report, to wit:

The committee raised for that purpose, have, according to order, had under consideration the nomination of Simon R. Baker, as brigadier general of the 7th brigade, and beg leave to report:

Resolved, That the Senate do advise and consent to the said nomination.

Which being twice read, was concurred in. Whereupon,

Resolved, That the Senate do advise and consent to the said several nominations.

Ordered, That Mr. Ewing inform the Governor thereof, the same being duly certified.

On motion, a bill from the House of Representatives, entitled "an act to reduce the number of Directors of the Bank of Kentucky," was taken up and passed to a second reading; and thereupon the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

Mr. Crutcher, from the select committee raised for that purpose, reported a bill further to regulate the Auditor's and Treasurer's offices; which passed to a second reading.

The Senate then, on motion of Mr. Flournoy, went into a consideration of the orders of the day.

The following engrossed bills, which originated in the Senate, were severally read a third time, to wit:

1. An act to amend an act entitled "an act providing for copying certain records in the Surveyor's office in Fayette county, and for other purposes," (an amendment made thereto in the House of Representatives, being under consideration,) whereupon the same was committed to a select committee of Messrs. Flournoy, Smith and Dudley, for amendment.

2. "An act for the erection of a new judicial district," was laid on the table for the present.

3. "An act imposing a tax on brokers."

Mr. Howard moved to lay said bill on the table until the first day of June next; which motion being withdrawn, the question was taken on the passage of said bill, and decided in the affirmative—Yeas 18, nays 15.

The yeas and nays being required thereon by Messrs. Howard and Bowman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Beaty, Beauchamp, Crutcher, Dawson, Dudley, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Barrett, Bowman, Carneal, Daniel, Davidson, Denny, Ewing, Faulkner, Flournoy, Forsythe, Howard, J. Ward, Wickliff and Worthington.

Ordered, That the title thereof be as aforesaid, and that Mr. Dudley carry the same to the House of Representatives, and request their concurrence.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed an enrolled bill which originated in that house, entitled "an act to reduce the number of Directors of the Bank of Kentucky," and

that the same was now presented for the signature of the Speaker of the Senate, which was thereupon affixed thereto, and the same was handed over to the proper committee, to be laid before the Governor, for his approbation and signature.

4. "An act to explain the first section of an act entitled an act to repeal all laws allowing a replevin of two years on all contracts entered into after the first day of June 1824," was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by Messrs. Bowman and Howard, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Carneal, Daniel, Ewing, Forsythe, Hughes, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Selby, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Bowman, Crutcher, Davidson, Dawson, Denny, Faulkner, Flournoy, Howard, Mayo, Smith, J. Ward and Wickliff.

Ordered, That the title thereof be amended to read "an act to regulate the collection of certain officers' fees, and fines and penalties, and for other purposes;" and that Mr. Forsythe carry the same to the House of Representatives, and request their concurrence.

5. "An act further to regulate the Lunatic Asylum," was read a third time; and the first blank therein being filled, Mr. Beauchamp moved to re-commit the bill to a select committee, which was decided in the negative.

Mr. Carneal moved to fill the second blank with "\$3,000;" and the question being taken thereon, it was decided in the affirmative—Yeas 22, nays 13.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Ballinger, Barrett, Beaty, Bowman, Carneal, Daniel, Davidson, Denny, Ewing, Flournoy, Hickman, Howard, Hughes, Lyon, Maccoun, P. N. O'Bannon, Smith, Stephens, J. Ward, T. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Beauchamp, Crutcher, Dawson, Dudley, Faulkner, Forsythe, Mayo, W. B. O'Bannon, Selby, Worthington and Yancey.

The remaining blanks were then filled; when Mr. Dawson moved to re-commit the bill, which was decided in the negative.

Mr. J. Allen moved to amend the bill, by way of engrossed rider, which was rejected.

On motion, the vote by which the first blank in the bill was filled with \$7,000, was reconsidered; and on motion of Mr. Carneal, the said blank was filled with \$3,000.

Mr. Carneal moved to re-consider the vote by which the second blank was filled with \$8,000; which was thereupon re-considered, and the said blank, on motion of the same gentleman, was filled with \$7,000.

And the question being taken thereon, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Flournoy carry the same to the House of Representatives, and request their concurrence.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in the Senate, of the following titles, to wit: An act for the benefit of the securities of Stephen Harper, late Sheriff of Floyd county; an act to regulate the circuit courts in the 14th judicial district; an act for the relief of the Sheriffs of Christian and Henry counties; an act concerning theatrical performances; an act concerning Kentucky land warrants which may have been lost; an act to amend an act entitled an act to improve and keep open the navigation of the Beech fork of Salt river, and other water courses; an act to provide for reporting the decisions of the Court of Appeals; and a resolution fixing on a day for the election of public officers.

On motion, the orders of the day were dispensed with, for the purpose of receiving a report from a select committee.

When Mr. C. Allan, from the select committee to which was referred a bill entitled "an act further to regulate the Penitentiary," reported the same with a substitute, by way of amendment, in lieu of the original bill, after the enacting clause; which was thereupon, for the present, passed over, and the orders of the day were resumed.

6. "An act for the benefit of Captain James Hunt's company of militia," was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 17, nays 12.

The yeas and nays being required thereon by Messrs. W. B. O'Bannon and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Daniel, Dudley, Ewing, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Crutcher, Davidson, Dawson, Denny, Faulkner, Howard, Stephens, J. Ward, T. Ward and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. W. B. O'Bannon carry the same to the House of Representatives, and request their concurrence.

7. "An act to amend an act entitled an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth, approved January 7th, 1824," was read a third time.

Mr. C. H. Allen moved to amend the bill, by way of engrossed ryder.

Mr. Wickliff moved to lay the bill on the table until the last day of July next; and the question being taken thereon, it was decided in the negative—Yeas 14, nays 18.

The yeas and nays being required thereon by Messrs. Beauchamp and Hughes, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Bowman, Carneal, Davidson, Dawson, Denny, Faulkner, Flournoy, Howard, Smith, Stephens, J. Ward, T. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Crutcher, Daniel, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Worthington and Yancey.

The engrossed ryder offered by Mr. C. H. Allen, was then read as follows, to wit:

And be it further enacted, That the forfeiture for the failure to list lands for taxation, and to pay the taxes thereon, as required by the 10th section of this act, shall apply only to non-resident claimants of land, any law to the contrary notwithstanding.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 13, nays 18.

The yeas and nays being required thereon by Messrs. Faulkner and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dudley, Forsythe, Hughes, P. N. O'Bannon, W. B. O'Bannon, Stephens, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Bowman, Carneal, Crutcher, Davidson, Dawson, Ewing, Faulkner, Flournoy, Howard, Lyon, Maccoun, Mayo, Smith, J. Ward, T. Ward and Worthington.

The question was then taken on the passage of said bill, and decided in the affirmative—Yeas 18, nays 13.

The yeas and nays being required thereon by Messrs. Hughes and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Crutcher, Daniel, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Bowman, Carneal, Davidson, Dawson, Faulkner, Flournoy, Howard, Smith, Stephens, J. Ward, T. Ward and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. Hughes carry the same to the House of Representatives and request their concurrence.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on this day, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act to provide for the sale of the vacant lands west of Tennessee river; an act for the benefit of the Sheriff of Harrison county; an act authorising Colonel Richard Taylor to perform the duties of Tipstaff to the General Court, for a limited time; an act to attach the county of Nicholas to the first district of the Bank of the Commonwealth of Kentucky, and an act to reduce the number of Directors of the Bank of Kentucky.

2. By Mr. Bates:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of Thomas Milton and John Beatty," in which they request the concurrence of the Senate.

3. By Mr. Willis:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to reduce the price of vacant lands north of Walker's line," in which they request the concurrence of the Senate.

4. By Mr. J. G. Hardin:

Mr. Speaker—The House of Representatives have concurred in amendments made in the Senate, to a bill which originated in the House of Representatives, entitled "an act to appropriate fines and forfeitures," with an amendment, in which they request the concurrence of the Senate.

5. By Mr. Brents:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act concerning answers in chancery," in which they request the concurrence of the Senate.

On motion, the orders of the day were dispensed with, and a resolution which originated in the House of Representatives, entitled "a resolution for uniting the Public Printing," was twice read and concurred in—Yeas 21, nays 10.

The yeas and nays being required thereon by Messrs. Bowman and Howard, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bowman, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Lyon, Stephens and J. Ward.

Ordered, That Mr. Beauchamp inform the House of Representatives thereof.

And then the Senate adjourned.

TUESDAY, JANUARY 4, 1825.

The Senate assembled.

Mr. Hughes, from the majority, moved to re-consider the vote by which the report of the committee of propositions and grievances, in relation to the formation of a new county out of parts of the counties of Bath, Montgomery, Bourbon and Nicholas was reversed; which was thereupon re-considered, and the said report was committed to a select committee of Messrs. Howard, Hughes, Muldrow, J. Ward, Daniel and Hickman.

Mr. Denny presented the petition of sundry citizens of Oldham county, in relation to the location of the permanent seat of justice in said county; which was referred to the committee of propositions and grievances.

Mr. Beaty read and laid on the table the following joint resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn without day at the end of the present session, they will adjourn to meet in the town of Louisville, or Lexington, on the day provided by law for the annual meeting of the General Assembly in the year 1825.

Mr. Davidson, from the select committee raised for that purpose, reported a bill for the benefit of Henry S. Langford; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Davidson carry the same to the House of Representatives, and request their concurrence.

The Senate then proceeded to a consideration of the orders of the day.

A bill entitled "an act to appropriate fines and forfeitures," which originated in the House of Representatives, and was amended in the Senate, was taken up—the amendment made in the House of Representatives, to the amendment of the Senate, being under consideration; and said amendment being twice read, was concurred in.

Ordered, That Mr. Dawson inform the House of Representatives thereof.

An engrossed bill entitled "an act to amend the law regulating the issuing of tavern licenses," was read a third time; and the question being taken on the passage thereof, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Maccoun carry the same to the House of Representatives, and request their concurrence.

An engrossed bill entitled "an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," was read a third time.

Mr. Beauchamp moved to fill the first blank in said bill with "two thousand dollars;" and the question being taken thereon, it was decided in the affirmative—Yeas 20, nays 16.

The yeas and nays being required thereon by Messrs. Wickliff and Beaty, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Ballinger, Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Faulkner, Flournoy, Hickman, Howard, Muldrow, Stephens, J. Ward and Wickliff.

Mr. Dudley moved to fill the second blank with "one hundred and fifty dollars;" and the question being taken thereon, it was decided in the affirmative—Yeas 22, nays 13.

The yeas and nays being required thereon by Messrs. Beaty and Bowman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, Stephens, J. Ward and Wickliff.

Mr. Beauchamp then moved to fill the third blank in the bill with "the fourth Monday in January," &c.; and the question being taken thereon, it was decided in the affirmative—Yeas 22, nays 14.

The yeas and nays being required thereon by Messrs. Beaty and Bowman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N.

O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, Stephens, J. Ward and Wickliff.

Mr. C. H. Allen offered an engrossed ryder, by way of amendment thereto; and the question being taken on the adoption thereof, it was decided in the affirmative—Yeas 25, nays 10.

The yeas and nays being required thereon by Messrs. Denny and C. H. Allen, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Beaty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, J. Ward and Wickliff.

The question was then taken on the passage of said bill, as amended, and decided in the affirmative—Yeas 22, nays 14.

The yeas and nays being required thereon by Messrs. Denny and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Carneal, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, Stephens, J. Ward and Wickliff.

A message from the House of Representatives, by Mr. Chapeze:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act supplemental to an act entitled an act to incorporate the St. Joseph's College of Bardstown," in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

A message from the House of Representatives, by Mr. Stephens:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 13th December 1824," in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor to lay before the Senate communications in writing, Nos. 41 and 42.

And thereupon the said message No. 42, was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Edmund Curd, to be commissioned, pursuant to the provisions of a late act of the General Assembly, Receiver of public moneys for the land district west of Tennessee river.

JOSEPH DESHA.

January 4, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Messrs. Lyon and Ewing inform the Governor thereof, the same being duly certified.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Selby—1. A bill for the benefit of Ephraim Knight.

On motion of Mr. Dudley—2. A bill supplemental to an act to reduce the number of Directors of the Bank of Kentucky.

Ordered, That Messrs. Selby, Ewing and Maccoun prepare and bring in the first; and Messrs. Dudley, Howard and Davidson, the second.

A resolution from the House of Representatives, directing tomb-stones to be placed over the graves of Thomas Dellerhide, late Senator, and others, was taken up, twice read and concurred in.

Ordered, That Mr. Beaty inform the House of Representatives thereof.

Mr. Hickman, from the joint committee appointed to examine the report of the Winchester Branch Bank, made the following report, to wit:

The committee to whom was referred the report of the branch of the Bank of the Commonwealth at Winchester, have had the same under consideration, according to order, and beg leave to make the following report:

That the affairs of said branch have been managed, as far as can be ascertained from the report, with considerable care and attention, and the debts due to it, are, in the general, well secured. Suits have been instituted in a number of cases, and the delinquencies, in addition to those in suit, are not few. There are also some debts which are doubtful; but, upon the whole, it presents as promising an appearance as could be rationally expected, and one, it is believed, not inferior to any other branch of the same institution.

From the Senate,

JOHN L. HICKMAN,
CHILTON ALLAN,
THOMAS C. HOWARD.

From the House of Representatives,

SQUIRE TURNER,
JAMES SIMPSON,
DANIEL BRECK,
SILAS EVANS,
JOSEPH H. HOLT,
W. T. BUCKNER,
JAMES M. CLARKSON,
A. OLDHAM.

Mr. Dudley, from the joint committee appointed to examine the report of the Bank of the Commonwealth, made the following report, to wit:

The joint committee appointed to examine the report of the principal Bank of the Commonwealth of Kentucky, having performed the duty assigned them, submit the following as the result of their examination, to wit:

That all the debts due by individuals residing in the county of Franklin, are considered safe, being, in the opinion of the committee, well secured; and although there are twenty-four notes in that county, reported as defaulters, still your committee are satisfied that no loss will accrue to the bank from them, they being mostly on persons who have died or removed out of the State, leaving their securities to pay. They also find the debts due by individuals residing in the county of Henry, are well secured by mortgage on real estate or personal security; and although there are some thirty or forty reported defaulters, your committee believe said debts safe, and that no loss will accrue to the bank from them. They also report that the debts in Woodford county are considered to be well secured, notwithstanding there are some reported as defaulters, and that, in the opinion of the committee, no loss will accrue to the bank from that county. The debts due from Owen county, are also considered safe, they being small in number and amount, and that no loss can be anticipated from those debtors. They further report, that the debts in the county of Shelby, with a few exceptions, are well secured. There is, however, one note of \$84, considered bad, and three others, together amounting to the sum of \$858, which are somewhat doubtful. They entertain no doubt as to the security of the balance of the debts in that county. Your committee state further, that the debts in Gallatin county are thought to be well secured at present,

but think some attention to a few of them necessary; otherwise a small loss may accrue to the bank.

All of which is respectfully reported.

From the Senate,

J. DUDLEY,
C. H. ALLEN,
ANDREW MULDROW.

From the House of Representatives,

JAMES M'CONNELL,
CYRUS WINGATE,
JOHN RODMAN,
ROBERT SAMUEL,
JAMES FORD,
DAVID GIBSON,
WM. HUNTER,
JAMES M'BRAYER,
H. CRITTENDEN,
THOMAS P. WILSON.

A bill from the House of Representatives, entitled "an act for the relief of the creditors and heirs of Nathaniel Harlan, deceased," was taken up and read the first time, and ordered to be read a second time; and thereupon the rule, constitutional provision and further readings thereof being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Ward inform the House of Representatives thereof.

Mr. T. Ward, from the joint committee appointed to examine the report of the Mountsterling Branch Bank, made the following report, to wit:

The joint committee to whom was referred the report of the Branch Bank of the Commonwealth located at Mountsterling, have had the same under consideration, and now submit the following report: It appears from the said bank report, that there is due from the county of Montgomery, \$39,510 20; from the county of Bath, \$9,817 55; from the county of Greenup, \$6,620 80; from the county of Floyd, including the parts of those counties taken from it since the establishment of the bank, \$6,314 60; making an aggregate amount of \$62,263 15. So far as we are acquainted, we can respectively state, that the debts due that branch are well secured, and that we can perceive there are no doubtful debts. We can discover nothing in the management of that institution, that we do not approve of.

From the Senate,

THOMSON WARD,
H. B. MAYO,
JESSE DANIEL.

From the House of Representatives,

E. SHORTRIDGE,
JOHN MASON, JUN.
J. M. MCCONNELL,
SAMUEL STONE,
JACOB MAYO,
W. C. WILLIAMS.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—I am directed to inform the Senate, that the House of Representatives is now ready to proceed to the election of a Treasurer and Public Printer, and that Samuel South, Joseph Smith, Reuben B. Stockton and Joel Yancey stand in nomination as candidates for the first office, and Amos Kendall & Co. and Jacob H. Holeman for the second.

Whereupon it was ordered that Mr. Ewing inform the House of Representatives that the Senate is also ready to proceed to said election, and that the same gentlemen stand in nomination before the Senate; which duty Mr. Ewing shortly thereafter reported was performed.

Whereupon the Senate went into said election, and the result of the first ballot for Treasurer was as follows, to wit:

For Mr. South—Messrs. Beaty, Carneal, Daniel, Davidson, Dudley, Ewing, Flournoy, Hickman, Howard, Muldrow, P. N. O'Bannon, J. Ward and T. Ward—13.

For Mr. Yancey—Messrs. C. H. Allen, J. Allen, Beauchamp, Bowman, Denny, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Smith and Worthington—12.

For Mr. Smith—Messrs. Ballinger, Barrett, Crutcher, Forsythe and Wickliff—5.

For Mr. Stockton—Messrs. C. Allan, Dawson, Faulkner, Selby and Stephens—5.

The vote for Public Printer was as follows, to wit:

For Amos Kendall & Co.—Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey—24.

For Jacob H. Holeman—Messrs. C. Allan, Beaty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, Stephens, J. Ward and Wickliff—12.

Ordered, That Messrs. Ewing, C. Allan and Crutcher be a committee to meet a committee from the House of Representatives, to compare the joint vote for Treasurer and Public Printer; and after a short time, Mr. Ewing reported that the committee had discharged that duty, and that the joint vote for Treasurer stood thus: For Mr. South, 47; for Mr. Yancey, 39; for Mr. Smith, 27; for Mr. Stockton, 16.

Whereupon, neither of those gentlemen having a majority of both houses, and Mr. Stockton having the smallest number of votes, the latter gentleman was dropped, and the Senate proceeded to a second vote, which was as follows, to wit:

For Mr. South—Messrs. Beaty, Carneal, Daniel, Davidson, Dudley, Ewing, Faulkner, Flournoy, Hickman, Howard, Muldrow, P. N. O'Bannon, Selby, J. Ward and T. Ward—15.

For Mr. Yancey—Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Bowman, Dawson, Denny, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Smith and Worthington—14.

For Mr. Smith—Messrs. C. Allan, Ballinger, Crutcher, Forsythe, Stephens and Wickliff—6.

Ordered, That the same committee compare and report the result of the joint vote; and after a short time, Mr. Ewing reported that the joint vote stood as follows, to wit: For Mr. South, 49; for Mr. Yancey, 43; for Mr. Smith, 37.

It still appearing that neither of the gentlemen had a majority of both houses, and Mr. Smith having the smallest number of votes, was dropped, and the Senate proceeded to a third vote, which was as follows, to wit:

For Mr. South—Messrs. C. Allan, Beaty, Carneal, Crutcher, Daniel, Davidson, Dudley, Ewing, Faulkner, Flournoy, Hickman, Howard, Muldrow, P. N. O'Bannon, Selby, J. Ward, T. Ward and Wickliff—18.

For Mr. Yancey—Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Bowman, Dawson, Denny, Forsythe, Hughes, Lyon, Maccoun, Mayo, W. B. O'Bannon, Smith and Worthington—16.

Ordered, That the same committee compare the joint vote and report the result thereof; and after a short time, Mr. Ewing reported that the committee, upon a comparison of the joint vote of both houses for Treasurer, found the result to be as follows, to wit: For Mr. South, 74; for Mr. Yancey, 54.

Whereupon, it appearing that Mr. South had obtained a majority of both houses of the General Assembly, the Speaker declared him duly elected Treasurer of this State, for and during the term of one year.

Mr. Ewing, from the same committee, also reported that they had compared the joint vote of both houses for Public Printer for this State, and that the result was found to be as follows, to wit: For Messrs. Amos Kendall & Co. 82; for Mr. Jacob H. Holeman, 47.

Whereupon, it appearing that Messrs. Amos Kendall & Co. had received a majority of all the votes given, the Speaker declared them to be duly elected Public Printers for this State, for and during the period of one year.

A message from the House of Representatives, by Mr. Wickliffe:

Mr. Speaker—I am instructed to inform the Senate, that the House of Representatives is now ready to proceed to the election of a President and Directors of the Bank of the Commonwealth of Kentucky, and that the following gentlemen stand in nomination in that house, to wit: For President, John J. Crittenden; for Directors, F. P. Blair, Gervas E. Russell, Joseph G. Roberts, Benjamin B. Johnson, Robert Johnston, James Shannon, William Gerard, Jacob Swigert, John M'Intosh, Willis Field, Price Nuttall, George B. Knight, James Pryor, Lyddall Wilkinson, Samuel B. Crockett, Benjamin Hensley, Thomas Triplett and William O. Butler.

Ordered, That Mr. Yancey inform the House of Representatives that the Senate is also ready to proceed to said election, and that the same gentlemen stand in nomination in each house; which duty Mr. Yancey shortly thereafter reported was performed.

The Senate then proceeded to said election, and the vote stood as follows: For President, John J. Crittenden, 33; for Directors, F. P. Blair 34, G. E. Russell 31, J. G. Roberts 29, B. B. Johnson 26, R. Johnston 23, J. Shannon 5, W. Gerard 31, J. Swigert 24, J. M'Intosh 2, W. Field 33, P. Nuttall 30, T. Triplett 12, G. B. Knight 33, B. Hensley 24, J. Pryor 4, W. O. Butler 33, L. Wilkinson 25, S. B. Crockett 22.

Ordered, That the same committee compare the joint vote of both houses, and report the result; and after a short time, Mr. Ewing reported that the joint vote was as follows, to wit: John J. Crittenden unanimously elected President; for Directors, Francis P. Blair 117, Gervas E. Russell 111, Joseph G. Roberts 93, Thomas Triplett 74, Jacob Swigert 87, Robert Johnston 77, Benjamin B. Johnson 78, James Shannon 37, William Gerard 97, Samuel B. Crockett 61, John M'Intosh 50, Lyddall Wilkinson 68, Benjamin Hensley 54, Willis Field 127, George B. Knight 127, William O. Butler 127, Price Nuttall 124, James Pryor 4.

Whereupon, it appearing that John J. Crittenden had received the unanimous vote of both houses for President, and F. P. Blair, G. E. Russell, J. G. Roberts, T. Triplett, J. Swigert, B. B. Johnson, R. Johnston, W. Gerard, W. Field, G. B. Knight, W. O. Butler and P. Nuttall, a majority of all the votes given for Directors of said Bank, they were declared by the Speaker to be duly elected.

A message from the House of Representatives, by Mr. Coleman:

Mr. Speaker—I am instructed to inform the Senate, that the House of Representatives is now ready to proceed to the election of Presidents and Directors of the several branches of the Bank of the Commonwealth, and to submit to the Senate a list of the gentlemen who stand in nomination before that house.

Whereupon a similar message was returned to the House of Representatives; and a vote being taken, and the same committee having compared and reported the result of the joint vote, the Speaker declared the following gentlemen duly elected, to continue in office for and during the ensuing year, to wit:

Flemingsburg Branch Bank—William P. Fleming, President; Richard R. Lee, James Alexander, John D. Stockton, Charles Ward, James Morris, Larkin Anderson, Aaron Owens, Thomas P. Taul and William Hodge, Directors.

Falmouth—P. G. Kennett, President; James Wilson, James Nailor, Thomas G. Hall, Frank Chalfant, Enoch Worthen, James M. Preston, Thomas Buckner and Absalom Skirven, Directors.

Lexington—Charles Humphreys, President; John Bradford, John Brand, Matthew Kennedy, William R. Morton, Daniel M. Payne, Elijah Craig, David Thompson and Samuel M'Hatton, Directors.

Louisville—Levi Tyler, President; William Sale, Matthew Love, Charles L. Harrison, Hezekiah Hawley, Henry Crist, Burr Harrison, Elijah Davis, Cadwallader Churchill and Coleman Daniel, Directors.

Hartford—Charles M'Creary, President; Benjamin Smith, R. L. Walker, Charles Henderson, John Calhoun, John Rogers, John Murray, John Fields, James Hillyer, Joshua H. Davis and William Pollard, Directors.

Princeton—John H. Phelps, President; Mercer Wadlington, Jeremiah Rucker, Joseph R. Given, Robert C. Bigham, John M'Caughan, John Q. Burgess, William Gordon and John S. Anderson, Directors.

Greensburg—John Barrett, President; Joseph Akin, Elijah Creel, Peter B. Atwood, James Lasley, Ignatius Hazle, Nathan Gaither, Joseph Alexander, Radford Maxey, Hezekiah F. Murrell and George T. Wood, Directors.

Harrodsburg—Beriah M'Goffin, President; Joel P. Williams, Christopher Chinn, Jesse Head, David Sutton, David L. M'Kee, Jesse Coffey, Thomas Head and Thomas E. West, Directors.

Winchester—James Anderson, President; Samuel Hanson, John Miles, Lewis Grigsby, Micah Taul, David Burton, Benjamin Straughn, Alexander E. Morrow and Hubbard Taylor, jun. Directors.

Mountsterling—Henry Daniel, President; Samuel D. Everett, Thomas C. Barnes, Cuthbert Banks, Marcus Thomas, Thomas D. Owings, James Ward, David K. Harris and John S. Oakley, Directors.

Somerset—William Fox, President; Henry James, John Griffin, Charles Hays, Joseph Porter, Adam Wilson, James Terrill, Benjamin Eve and John Chrisman, Directors.

Bowlinggreen—John Loving, President; Alexander Graham, J. T. Morehead, Robert M. Lucust, Samuel Moore, Thomas M. Smith, Thomas S. Slaughter, Josias M. Dallam and Asher Graham, Directors.

A message from the House of Representatives, by Mr. Hodge:

Mr. Speaker—I am instructed to inform the Senate, that the House of Representatives is now ready to proceed to the election of a President and four directors for the Bank of Kentucky, and that the following gentlemen stand in nomination in that House, to wit: For President, John Harvie and Tandy Allen; for Directors, Daniel Weisiger, Simeon A. Dudley, James Shannon, Herman Bowmar, Charles Julian and Achilles Sneed.

Whereupon a similar message was returned to the House of Representatives; and a vote being taken, the result was as follows, to wit:

For Mr. Harvie—Messrs. C. Allan, Ballinger, Barrett, Beaty, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, Selby, Smith, Stephens, J. Ward, T. Ward, Wickliff and Worthington—30.

For Mr. Allen—Messrs. C. H. Allen, J. Allen, Beauchamp, Hughes, W. B. O'Bannon and Yancey—6.

For Directors—Daniel Weisiger 33, Simeon A. Dudley 26, James Shannon 13, Herman Bowmar 29, Charles Julian 15, Achilles Sneed 20.

Ordered, That the same committee compare and report the joint vote in relation thereto; and after a short time, Mr. Ewing reported as follows, to wit: For President, John Harvie 37, Tandy Allen 40; for Directors, D. Weisiger 121, S. A. Dudley 90, J. Shannon 62, H. Bowmar 101, C. Julian 39, A. Sneed 74.

Whereupon, it appearing that Mr. Harvie had a majority of all the votes given for President, and Messrs. Weisiger, Dudley, Bowmar and Sneed, for Directors of said Bank, they were declared by the Speaker duly elected as such, for the ensuing year.

And then the Senate adjourned.

WEDNESDAY, JANUARY 5, 1825.

The Senate assembled.

The Speaker laid before the Senate a letter covering a remonstrance against the formation of a new county out of parts of the counties of Bath, Nicholas and Bourbon; which was referred to the committee to whom was referred the report of the committee of propositions and grievances, upon that subject.

Mr. Forsythe, from the joint committee appointed to examine the report of the Falmouth Branch Bank, made the following report, to wit:

The joint committee, composed of the Senators and Representatives from the counties composing the second Bank district, have had under consideration and examined the report from the Falmouth Branch, and are of opinion, that the business of said Bank has been properly conducted. The debts appear to be generally well secured, and the provisions of the charter adhered to.

From the Senate,

PETER BARRETT,
JOHN FORSYTHE,
ANDREW S. HUGHES,
THOMAS D. CARNEAL.

From the House of Representatives,

LEONARD STEPHENS,
NICHOLAS D. COLEMAN,
H. O. BROWN,
LEWIS RIDDELL,
JOHN MARKSBERRY,
STEPHEN MULLINS.

Mr. Denny presented the petition of the Union Rolling Mill Company, praying for payment of a debt due them from the Penitentiary; which was read and referred to the committee to whom the bill for their benefit was referred.

Mr. Howard, from the committee raised to examine the improvements made by Andrew Muldrow, to the navigation of the Kentucky river, made the following report:

The committee instituted by the Senate, for the purpose of examining the improvements made by Col. A. Muldrow, in the navigation of the Buck Shoals below Sublett's ferry in the Kentucky river, submit the following report.

The Buck Shoals, your committee are informed, produce one of the most important impediments to the navigation of the Kentucky river. The water upon these Shoals, is shallower than upon any other, from the mouth of Greer's creek, to the junction of the Kentucky with the Ohio. The Shoals are longer than any known upon the river. Under such circumstances and such character, no scene could have been selected, more proper for testing the utility of the experiment which has been made. Upon these Shoals, Colonel Muldrow has erected a wing dam of 322 yards in length, and about two feet in height. The dam forms a segment of a circle, passing from one shore in a curve towards the other, the convex fronting the shore to which it approximates, and presenting the strength of the circle to the current which strikes upon it. The shore at this place to which the water is thus directed, presenting a solid wall of rock higher than the dam, saved the necessity and ex-

pence of two wings. The dam is formed of a double row of timber, at an interval of about five feet, cross laid with timbers, and rendered solid by being filled between with stone. By means of this wall, the water is compressed into a narrower channel than it would occupy, if left to its own laws and free to seek a passage over the shoals. This dam has been erected about fifteen months. It has withstood the revolution of the seasons, and the correspondent changes in the quantity of water in the river. The freshets of winter and of spring, have been equally ineffectual in doing it any injury. It was feared that when the water poured over the dam at a certain stage, it would wash up the gravel and small stone behind the dam, and thus undermine and ultimately destroy it; this fear has been found groundless. The gravel has rather accumulated in the rear or on the concave side of the dam, while it has been diminished somewhat in the gorge or throat in which the stream is most compressed. The gravel thus removed, is deposited in the deep water below the shoal, and has consequently a tendency to equalize the depth of the channel, and render the whole bed of the river a regular inclined plain. Apprehensions were entertained by many, that the introduction of the wing dams into the bed of the river, would be dangerous to navigation at low stages of water, or rather at that stage when a flat boat might descend without the aid of a compressed volume of water. This apprehension is also vain; when the water is high enough for a flat boat to descend, it is so much above the dam, that the boat would pass over the dam without rubbing. The dam upon the ripple, is not higher than the rocks in the river. This will probably be the case in all other shoals. The water is raised by concentration and the impediment of the wing wall.

The fall of the water is not increased, nor the current rendered more swift, except in the narrowest part of the channel, or just as the water frees itself from the restraint within which it has been bound. The river has a fall, which, when averaged, is nearly the same for every twenty miles, though the fall is not such as to make a smooth and graduated plain. The streams which empty into the river, form either directly opposite their mouths or at small distances below, ripples or shoals with the pebbles and sediment thrown out by these streams and deposited in the eddy created by the meeting of the two currents. These shoals, in their first operation, constituted dams over which the water must rise to flow on in its downward progress. The dams or shoals deaden the water above them, to a distance in proportion to their height, from the head of one to the foot of another. The interval between them is thus, a hole or pond of water. It is certain, that if all these shoals or impediments in the streams were removed, the water would be equally shallow, through the whole descent, and that to make a depth sufficient to float a boat, when the water would be too low

upon the ripples as they now are, the water would have to be compressed the whole distance, and the spaces or distances now navigable without the interposition of the hand of man, are rendered navigable by the natural dams thrown up in the channel of the river. If a dam or wing wall is thrown up on each of these natural dams, shoals or ripples, so as to raise the water two feet upon each, it is clear, that though the velocity of the water may be increased by the compression, the fall will not be increased except at the termination of the plain; but the average will be the same, the surface only having been elevated, and the water being dammed or thrown back in the same proportion as the barriers erected in its current are increased in height. The experiment made on the Buck shoals, we are informed, meets the approbation of all those persons who navigate the Kentucky river with barges or keels. These shoals have, with the improvement, been passed easily and safely during the last year, both in ascending and descending the river, when, but for the compression of the water, some boats and loading could not have been floated. The committee consider the fact well proved and completely tested, that the ripples in the river may be so improved, upon the plan adopted by Colonel Muldrow, as to render the navigation certain and safe, at almost any season or stage of water, for batteaux, perhaps larger craft. But to procure a safe batteaux navigation, is a consummation devoutly to be wished. While the attention of the state is turned towards a canal at Louisville, and we are not desirous of diverting the public mind from that object, your committee must take the liberty of remarking, that it matters little with the community of the interior, whether the impediment of the falls be removed or increased, if the products of their labor never can reach that point. The Ohio is the channel of communication to the ocean, of which Kentucky is compelled to avail itself. The Kentucky river is the medium by which one third of the exchangeable products of the state reach a market, or would be if the improvements which are deemed practicable, were completed. It does seem to the committee, that unless the expenditure requisite to accomplish this object, be too great for the financial operations of the treasury, no time should be lost in making the appropriation and completing the work. There are from the most accurate information, about twenty ripples or shoals between the mouth of the Kentucky river and Frankfort, upon which it would be necessary to erect dams, either approximating each other, in the middle or in any other part of the stream, which might be most convenient or best calculated from the nature and bed of the river, for the compression of the water, or like that on the Buck shoals inclining to one shore. The whole cost of the experiment made on the Buck shoals, (which are the longest and shallowest shoals on the river,) was 300 dollars in Commonwealth's Bank paper.

Taking this as an average, the cost of rendering the river navigable from its junction with the Ohio to Frankfort, at all seasons of the year for batteaux, would be about \$6,000 in the paper of the Bank of the Commonwealth. How paltry the sum when compared with the gain of the state, by the effects of its expenditure! Individuals would be readily found, who would advance the money and make the improvements at their own risk, could the state secure to them the advantages of the navigation by incorporation, either granting them the sole right of navigation by the aid of the improvements, or such tolls as would compensate them for the expenditure of capital. This state is remote from the market in which her products are vended. That section which the Kentucky waters, or perhaps rather drains, is fertile and well cultivated, but owing to the difficulties of transportation and the character of the streams, many of these advantages are lost. To this country, the canal becomes infinitely interesting, so soon as you open a communication with the Ohio; but while we are locked up at home or compelled to wagon our products, which are shipped in the summer to some point on the Ohio, it matters not whether our bagging and our bale rope, our bacon and our flour are taken on board at Louisville or at Shippingport. The navigation of the Kentucky river for batteaux, could be easily extended during the ensuing year, from the mouth to Frankfort, and in two years to Boonsborough. This might be done by the application of a portion of the dividends of the Bank of the Commonwealth at Frankfort, Winchester and Mount Sterling. The money thus applied, would be interest, upon loans, paid by the people who would be more immediately benefited by the improvements. While the funds of the Branch Bank at Louisville, are appropriated to the hospital at that place, Lexington cherishes the University, Harrodsburg the Centre College and Bowlinggreen her Southern, it certainly cannot be deemed unreasonable, that six thousand dollars should be appropriated from the dividends of all or either of the branches above named, to an object of such magnitude as that proposed. Your committee have not attempted a detail of the advantages which would result to this section of country, from the river being rendered navigable during the summer and autumn, even by batteaux. They are too palpable. He who has been engaged in exporting tobacco, pork, flour and whiskey, has felt and knows how little legislative patronage has been extended to facilitating his operations. He has had to combat with the seasons, and has beheld his well arranged plans and reasonable hopes of successful enterprise, marred and dissipated by the want of rain and the lowness of the streams upon which his property was to be floated. His tobacco has been prepared for market in time, but for want of means of transportation, it has remained embargoed in the heart of the country, until the season was so spent, that on its

arrival at Orleans, the demand was over, the shipping had departed from the port, and the article itself was perhaps putrified, certainly in a situation impairing its value and retarding its sale; his flour sour and unfit for consumption; his pork spoiled; his whiskey wasted; himself a bankrupt. Kentucky has seen her granaries filled to overflowing with wheat; her boats loaded with flour; a high price awaiting its arrival at Orleans; but no possibility of getting out of her rivers, for lack of a small expenditure to render them navigable. The eastern shipper has, with unaffected mortification, been seen to enjoy the rich harvest which our situation and connection with the lower country, peculiarly taught was our right. From the uncertainty of interior navigation, we partake but little in supplying provisions to the growers of the sugars and the importers of the groceries which we consume. Were it not for bagging and bale rope, those whom we ought naturally to feed, would be our creditors, deriving their bread stuffs from the Atlantic, instead of the Mississippi.

If the interior navigation were so improved as to permit the products of the labor of the country to reach Louisville, the impediment of the falls of Ohio, though felt, would be little regarded. The transportation from the mouth of Beargrass to Shippingport or Portland, would be joyfully encountered; it would be to the merchant or the farmer, liberated from his present difficulties, as a mole-hill to the traveller who has passed the Andes. In truth, at present, the products of the interior must remain on hand, subject to waste or destruction, until the waters are swelled with the winter rains, or until the genial sun of spring, dissolves the mountain snows. The farmer is, in the general, the sufferer. His the loss by waste, by destruction; his the loss of interest upon his capital. The merchant rarely purchases until the time is at hand, when, in the course of nature, he will have an opportunity of shipping. If the improvements suggested could be made, the hazard of the market would be diminished; the supply would be regular; the prices uniform, so far as uniformity could exist in any market, when the demand for foreign consumption might vary. If the navigation of the rivers were improved, the products of the adjacent country could get to market at all times, notwithstanding the falls in the Ohio. Without the improvement of interior navigation, though you remove the falls, and make the Ohio one placid basin, in which boats may at all times float; yet it will not avail the inhabitants of the counties of Licking, and Kentucky, and Salt river, and Green river. The products of their labor will still remain subject to all the risks, dangers, depreciations and embarrassments, to which they are now subjected.

Your committee would remark, that it has occurred to them, that Louisville will probably be and possibly is, naturally the centre point between all the country above the falls and that point from

whence shipments are more conveniently made to foreign and transatlantic States. It seems to them that the voyage from the counties watered by the rivers emptying into the Ohio above Louisville, must always be broken at Louisville, or at some point on the Ohio. If the falls remain—always at Louisville; if a canal is cut large enough for batteaux and barges—then at Shippingport. Your committee conceive, that the same steam-boats which navigate the Ohio below the falls, will seldom find it advantageous to ply above the falls, and *vice versa*. The fact of the upper river being altogether navigated by a smaller class of boats, than those which are employed to carry on the trade with Orleans, is conclusive proof of this position; for if large boats were as well adapted to the upper navigation as they are to the lower, why have small boats been introduced within a few years, and after the experiment made? Many reasons present themselves in favor of the idea, that the voyage is to be broken at Louisville, or at some point below—the want of water above—the dispersed situation of the loading for exportation—and the multitude of minute points of deposit and consumption for the imports. Who, without loss, ever attempted to load to the West Indies, with such sized vessels as are used in the commerce with China and the East Indies? An attempt to do so would result in this; the vessel would return half loaded, and be compelled to remain for future crops, or have to sail from island to island for a cargo. Such will be the result of an attempt to carry on the upper commerce in the same boats that are used in the trade with Orleans. It is not said that the voyage will never be made unbroken; but that ultimately, this must settle down to be the course of trade. If this be the case, of how much more importance is it to the inhabitants of the interior, to get to Louisville and incur the impediments of a mile of land carriage, than that that impediment should be removed, and the product of their labor remain hundreds of miles from that point, unless transported in wagons, and upon roads of deep and difficult passage? The answer is plain; by so much the more as it is important for them to be able to reach market, rather than remain with their products rotting on their hands.

If the state of the public funds is such as to render the appropriation, above suggested, unadvisable, your committee would recommend that three judicious, practical persons be appointed to make an examination of the Kentucky river, and ascertain the fall in said river, from the Buck shoals to its junction with the Ohio river, noting the fall to each intermediate point of importance; ascertaining the number of ripples in said river, their length and situation, and the improvement necessary to render them practicable for batteaux or barges of tons burden; as also, the costs of making such improvements; and report the information aforesaid to the Governor, to be by him communicated to the next General

Assembly. And the commissioners shall receive dollars
each, for their services thus required by them to be performed.

THOMAS C. HOWARD, *Chm.*
SAMUEL MACCOUN,
GRANVILLE BOWMAN,
JAMES ALLEN,
CHITTENDEN LYON.

Ordered, That the public printers forthwith print one hundred and fifty copies of said report for the use of the General Assembly.

Mr. Hickman presented the petition of sundry citizens of Bourbon county, praying the formation of a new county of parts of the counties of Bath, Bourbon and Nicholas; which was referred to the select committee, who have that subject under consideration.

Ordered, That leave be given to withdraw the petition praying for the establishment of an election precinct at Millersburg.

A written message was received from the Governor, by Mr. Loughborough, assistant secretary.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Willis:

Mr. Speaker—The House of Representatives have passed bills of the following titles: An act concerning the town of Lexington; an act for the benefit of Zachary Conclude; an act for the benefit of Frances Reynolds and her five idiot sons, and Col. R. Patterson; an act for the benefit of Sampson Trammell; an act for the benefit of Betsey Justice; an act to authorize the Auditor to come to a settlement with the Keeper of the Penitentiary; and an act to amend the several acts in relation to opening a road from Beaver Iron-works to Prestonsburg; in which bills they request the concurrence of the Senate. They disagree to a bill which originated in the Senate, entitled "an act concerning constables."

2. By Mr. Cox:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of William Myers."

3. By Mr. W. C. Payne:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act for the benefit of the infant heirs of Samuel Gregg deceased;" in which they request the concurrence of the Senate.

4. By Mr. G. I. Brown:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to amend the act more effectually to suppress the practice of duelling;" in which they request the concurrence of the Senate.

5. By Mr. Thruston:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to incorporate the Louisville and Portland Canal Company;" in which they request the concurrence of the Senate.

6. By Mr. Wickliffe:

Mr. Speaker—The House of Representatives concur in the passage of a bill from the Senate, entitled "an act further to regulate the Lunatic Asylum," with an amendment; in which amendment, they request the concurrence of the Senate. They have also passed a bill which originated in the Senate, entitled "an act for the benefit of the heirs of Hugh Fulton, deceased."

7. By Mr. J. Patterson:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of Cynthia Hardin." They have also passed a bill which originated in that House, entitled "an act for the benefit of the heirs of Jacob Smoker, deceased;" in which bill they request the concurrence of the Senate.

8. By Mr. Brents:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the benefit of the heirs and representatives of David Allen, deceased; and an act to authorize the Trustees of the Kentucky Seminary to dispose of, by a compromise, the interest of said Seminary in certain lands. They have passed a bill which originated in that House, entitled "an act to amend the act for surveying the military lands west of Tennessee river;" in which bill they request the concurrence of the Senate.

9. By Mr. Joyes:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the benefit of Rebecca Watson and Henry Durham; an act for the benefit of the Presbyterian congregation in Louisville; and an act to regulate the town of Stephensport, and to vest the title of the land set apart for said town, in certain Trustees, and for other purposes. They have also passed a bill which originated in that House, entitled "an act for the benefit of John M'Laughlin;" in which last bill they request the concurrence of the Senate.

The following nominations were then taken up and read as follows:

Gentlemen of the Senate,

The county court of Bath county, having failed to recommend, at the proper terms, fit persons to fill the office of Sheriff of that county, I therefore, according to the provisions of the constitution, nominate James Wade, Esq. who is the senior magistrate of said county, to be commissioned Sheriff thereof.

I also nominate Joseph G. Glass as Sheriff of the county of Spencer, in place of Wilson L. Davis, resigned, to continue in office for the residue of said Davis' term.

Also, Obadiah Prewitt, major of the 9th regiment, vice Joel Turnham, promoted.

JOSEPH DESHA.

January 5, 1825.

Resolved, That the Senate do advise and consent to said nominations.

Ordered, That Messrs. Muldrow, Wickliff, Hughes and Mayo, inform the Governor thereof.

The following nomination was then taken up and read as follows:

Gentlemen of the Senate,

I nominate for your advice and consent, John Miller, Esq. as Sheriff of the county of Jefferson, in place of James Ferguson, who has refused to accept of said office, the said Miller being the next eldest magistrate.

JOSEPH DESHA.

January 5, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Denny inform the Governor thereof.

The following nomination was then taken up and read as follows, to wit:

Gentlemen of the Senate,

The county court of the county of Pendleton having failed, according to the provisions of the constitution, to recommend at the proper terms, fit persons to fill the office of Sheriff of that county, I nominate for your advice and consent, John H. Baker, who is the senior magistrate of said county, to be commissioned Sheriff thereof for the next constitutional term.

JOSEPH DESHA.

December 28, 1824.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Messrs. Forsythe and Barrett inform the Governor thereof.

The following nominations were read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, John Dyer, to be commissioned brigadier general of the 27th (a new) brigade.

William M'Waters, colonel of the 72d regiment, vice John Dyer, if promoted.

John Williams, lieutenant-colonel of the same regiment, vice William M'Waters, if promoted.

William Byrdsong, major-general of the 14th (a new) division.

William Wadlington, brigadier-general of the 19th brigade, vice William Byrdsong, if promoted.

William I. Harris, colonel of the 55th regiment, vice William Wadlington, if promoted.

Isaac Harper, lieutenant-colonel of the same regiment, vice William I. Harris, if promoted.

Matthew Lyon, brigadier-general of the 28th (a new) brigade.

Caleb C. Cobb, colonel of the 84th regiment, vice Matthew Lyon, if promoted.

Isham E. Osburn, lieutenant-colonel of the same regiment, vice Caleb C. Cobb, if promoted.

JOSEPH DESHA.

January 4, 1825.

Resolved, That the Senate do advise and consent to said nominations.

Ordered, That Messrs. Ewing and P. N. O'Bannon, inform the Governor thereof.

The following nominations were then read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers in the militia, to be commissioned according to law, viz.

John Tribble, major of the 7th regiment, vice George Shackelford, promoted.

Stephen H. Maddox, major of the 35th regiment, vice Robert P. Mitchell, promoted.

William Armstrong, lieutenant-colonel of the 112th regiment, vice Richard Graves, who refused to accept.

Matthew Travis, major of the same regiment, in place of George P. Brown, promoted.

George P. Brown, colonel of the 118th (a new) regiment.

William Wilkins, lieutenant-colonel of the same regiment.

Isaac Lovelace, major of the same regiment.

JOSEPH DESHA.

December 29, 1824.

Resolved, That the Senate do advise and consent to said nominations.

Ordered, That Messrs. Howard and Lyon inform the Governor thereof.

The senate then proceeded to consider the nomination contained in the following message:

Gentlemen of the Senate,

I nominate for your advice and consent, Thomas B. Monroe, Esq. to be commissioned according to law, Reporter of the Decisions of the Court of Appeals.

JOSEPH DESHA.

January —, 1825.

Mr. Flournoy moved to commit said nomination to a select committee; and the question being taken thereon, it was decided in the negative—Yeas 10, nays 24.

The yeas and nays being required thereon by Messrs. Flournoy and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow and J. Ward.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Wickliff, Worthington and Yancey.

Resolved, That the Senate do advise and consent to said nomination.

The yeas and nays being required thereon by Messrs. Davidson and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Wickliff, Worthington and Yancey—24.

Those who voted in the negative, are, Messrs. C. Allan, Beatty, Bowman, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow and J. Ward.—10.

Ordered, That Messrs. Dudley and Carneal inform the Governor thereof.

The following nominations were then read, to wit:

Gentlemen of the Senate,

Pursuant to the provisions of an act of the present General Assembly, entitled "an act for appropriating the vacant lands in the State of Tennessee, between Walker's line and the latitude of 36 degrees 30 minutes," approved December 28, 1824, I nominate for your advice and consent, Thomas J. Matthews, Esq. as a fit person to run and mark a line in the latitude 36 degrees 30 minutes, from the Tennessee river to the summit of Cumberland mountain.

I also nominate for your advice and consent, John Fletcher, as keeper of the turnpike gate, on the turnpike and wilderness road, for the ensuing year.

The county court of Morgan county, having failed to recommend at the proper terms, according to the provisions of the constitution, fit persons to fill the office of Sheriff of that county, I nominate for your advice and consent, Mason Williams, who is the senior magistrate, to be commissioned in the said office, for the ensuing regular term.

JOSEPH DESHA.

January 1, 1825.

Resolved, That the Senate do advise and consent to the nominations of Thomas J. Matthews and Mason Williams.

Ordered, That Messrs. T. Ward and Mayo inform the Governor thereof.

The nomination of John Fletcher, was committed to a select committee of Messrs. Faulkner, Ballinger, Beaty and Davidson.

On motion, a bill from the House of Representatives, entitled "an act to establish election precincts in certain counties in this Commonwealth," was taken up and passed to a second reading; when the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Dudley, Hughes, Hickman and Howard, for amendment.

On motion, a bill from the House of Representatives, entitled "an act for the benefit of the Union Rolling Mill Company," was taken up and passed to a second reading; when the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to a select committee of Messrs. Denny, Flournoy and C. H. Allen, for amendment.

On motion, a bill from the House of Representatives, entitled "an act for the benefit of Agnes Puntony," was taken up and passed to a second reading; when the rule, constitutional provision and further readings thereof, were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

On motion, an engrossed bill was taken up which was heretofore laid on the table, entitled "an act to improve the road leading from Louisville, Kentucky, to Elizabethtown."

Mr. Crutcher moved to fill the blank therein, relative to the appropriation for the improvement of said road, with \$750; and the question being taken thereon, it was decided in the affirmative—Yeas 18, nays 16.

The yeas and nays being required thereon by Messrs. Davidson and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Beauchamp, Bowman, Crutcher, Denny, Ewing, Flournoy, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, Stephens, T. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Carneal, Daniel, Davidson, Dawson, Dudley, Faulkner, Hickman, Howard, W. B. O'Bannon, Smith and J. Ward.

The remaining blanks therein being severally filled, the question was taken on the passage of said bill, and decided in the affirmative—Yeas 18, nays 17.

The yeas and nays being required thereon by Messrs. Faulkner and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Beauchamp, Bowman, Crutcher, Denny, Ewing, Flournoy, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, Stephens, T. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Carneal, Daniel, Davidson, Dawson, Dudley, Faulkner, Forsythe, Hickman, Howard, W. B. O'Bannon, Smith and J. Ward.

Ordered, That the title thereof be as aforesaid, and that Mr. Crutcher carry the same to the House of Representatives and request their concurrence.

On motion of Mr. Howard, leave was given to bring in a bill authorizing infant heirs to choose their guardians; and Messrs. Howard, Denny and Flournoy, were appointed a committee to prepare and bring in said bill.

On motion of Mr. Daniel, a bill from the House of Representatives, entitled "an act to authorize a sale of part of the public square in the town of Irvine and county of Estill," was taken up and passed to a second reading; when the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daniel inform the House of Representatives thereof.

Mr. Dudley, from the select committee to which was referred a bill on its passage between the two Houses, which originated in the Senate, entitled "an act to amend the act entitled an act providing for copying certain records in the surveyor's office of Fayette county," reported the same with amendments to the amendment of the House of Representatives, which were concurred in; and thereupon, the amendment, as amended, being twice read, was concurred in.

Ordered, That Mr. Dudley inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Dudley, from the select committee raised for that purpose, reported a bill supplemental to an act to reduce the number of Directors of the Bank of Kentucky; which passed to a second reading.

Mr. Denny, from the select committee to which was referred a bill from the House of Representatives, entitled "an act for the benefit of the Union Rolling Mill Company," reported the same without amendment, which was thereupon re-committed to a select committee of Messrs. Hickman, Flournoy, Denny, Ewing and Beaty, for amendment,

Mr. Ewing, from the committee of propositions and grievances, to which was referred, a bill from the House of Representatives entitled "an act for the removal of the seat of justice of Meade county," reported the same without amendment.

Mr. Crutcher offered the following as a substitute for the original bill, to wit:

Whereas it is represented to this General Assembly, that much discontent and great difference of opinion exists among the citizens of Meade county, as to the location of the seat of justice for said county, as fixed on by the commissioners appointed by law for that purpose: For remedy thereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next election for representatives to the General Assembly, it shall be the duty of the clerks, at the places of taking in the votes of Meade county, to open in their books of polls, two columns, one for the Sugartree Orchard, near the head of Doe Run, being the place the commissioners fixed on for the seat of justice for Meade county, and one for Solomon Brandenburg's, on the Ohio river; and when any voter shall have given his vote for representative, he shall give his vote also for one or the other of the above named places, as the place selected by him for the permanent seat of justice for the said county of Meade; and the sheriffs of the county of Meade shall meet at the house of Thomas Myers, in Little-York, on the tenth day after the commencement of the election, and compare the polls taken for the two before mentioned places, and ascertain which has a majority of votes, and certify a list containing the names of each voter, and the place for which he voted, and certify the same under their hands and seals, and deliver it to the clerk of the county court; which list of polls shall be opened and examined at the first county court in and for said county, after the time of comparing the polls as before mentioned; and the said court having examined the polls and purged the same from all illegal votes, if any may have been taken, and having ascertained which of the aforesaid places has obtained a majority of votes, an entry shall be made in the book of the clerk of said court, to this effect: A law having passed at the last session of the General Assembly, authorising the qualified voters of Meade county, by their vote, to determine whether the seat of justice for said county, shall remain at the Sugartree Orchard, where the commissioners fixed it, or whether it shall be removed to Solomon Brandenburg's, on the Ohio river, and the list of votes having been examined, and it appearing that (here insert the name of the place which has the majority of all the qualified votes given therefor,) it is ordered by said county court, that (insert as above,) be, and is hereby declared to be the permanent seat of justice, in and for the county of Meade.

Sec. 2. *And be it further enacted*, That it shall be the duty of the county court, as soon as practicable thereafter, to cause convenient and appropriate buildings to be erected or prepared for the accommodation of the circuit and county courts of said county, and for other county purposes; and it shall be the duty of the clerks of the circuit and county courts, to remove the papers and books belonging to said offices, so soon as a house may be designated by the county court, for the use of such clerks, at the permanent seat of justice; and the circuit and county courts, in and for said county, shall, after suitable buildings are erected or prepared for their accommodation, hold their sessions at said permanent seat of justice.

Sec. 3. *And be it further enacted*, That the circuit and county courts, in and for the county of Meade, shall hold their sessions at the house of Thomas Myers, in the town of Little-York, until a permanent seat of justice shall have been established, and buildings for the accommodation of said courts shall have been erected or prepared as aforesaid.

Sec. 4. *Be it further enacted*, That the county court which appoints the judges to preside over the election, shall appoint one justice from the neighborhood of each of the places of taking in votes in the said county, to superintend the election at each place.

And the question being taken on the adoption of said substitute, it was decided in the negative—Yeas 5, nays 29.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Crutcher, Davidson, Faulkner, Mayo and Wickliff.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Dawson, Denny, Dudley, Ewing, Flournoy, Forsythe, Hickman, Howard, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, J. Ward, T. Ward, Worthington and Yancey.

Whereupon, said bill was ordered to a third reading; and the same being read a third time, and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 29, nays 2.

The yeas and nays being required thereon by Messrs. Crutcher and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beaty, Beauchamp, Bowman, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Howard, Hughes, Lyon, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Selby, Smith, Stephens, J. Ward, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Crutcher and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. Stephens inform the House of Representatives thereof.

Mr. Dudley, from the select committee to which was referred a bill to amend the charter of the Shelbyville and Louisville turnpike road company, reported the same with amendments, and it was passed over for the present.

On motion, a bill from the House of Representatives, entitled "an act further to regulate the Penitentiary," was taken up, the substitute offered by the select committee, being under consideration; whereupon, said substitute was read and amended, when Mr. Denny moved to commit the bill and amendment to a select committee, which was decided in the negative.

The original was then read, and it was ordered that the same be amended by striking out the fourth and fifth sections thereof.

Mr. Denny moved to lay the bill and substitute on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yeas 10, nays 25.

The yeas and nays being required thereon by Messrs. J. Allen and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bowman, Crutcher, Denny, Dudley, Faulkner, Flournoy, Hughes, Mayo, Stephens and Wickliff.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Carneal, Daniel, Davidson, Dawson, Ewing, Forsythe, Hickman, Howard, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, T. Ward, Worthington and Yancey.

The question then recurred upon the adoption of the substitute, which was read as follows, to wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the day of next, so much of all and every act or acts, as authorises the appointment of a keeper and agent of the Penitentiary by the Governor, be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That from and after said day of next, Benjamin Hensley, of the county of Franklin, be and he is hereby appointed keeper and agent of said Penitentiary, to have the whole and sole management thereof, and to continue as such, for and during the term of seven years, from and after the said day of next, subject, however, to removal by the legislature, whenever he shall fail to comply with the requisitions of this act.

Sec. 3. *Be it further enacted*, That on the day of next, shall be appointed an agent to take charge of the manufactured articles and raw materials be-

longing to said institution, and to remove them from said Penitentiary house, and keep them subject to the further disposal of the General Assembly.

Sec. 4. *Be it further enacted*, That be, and they
are hereby appointed commissioners, who shall take and file in the Auditor's Office, an inventory of all working tools of every description belonging to said institution, at specie valuation, and said tools shall be left in charge of said Benjamin Hensley, for his use in said institution, and at the expiration of the aforesaid term of seven years, said Benjamin Hensley shall replace and leave in said institution, tools of the same value.

Sec. 5. *Be it further enacted*, That the said Benjamin Hensley keeper and agent as aforesaid, shall, during the term aforesaid, annually pay into the public treasury, the sum of one thousand dollars, in such currency as is received at the Treasury in payment of taxes and other public dues.

Sec. 6. *Be it further enacted*, That the said Benjamin Hensley is hereby authorised to employ the convicts in such labor and manufactures as he may elect and choose, under the restrictions as to punishment and general treatment, which are now prescribed by law: *Provided, however*, that said Hensley is empowered and authorised to use solitary confinement as a substitute for corporeal chastisement, or in aid thereof, under the advice of the visiting physician.

Sec. 7. *Be it further enacted*, That the said convicts are to be fed and clothed in a comfortable manner as heretofore, or in such manner as shall meet the approbation of the visiting physician and board of visitors, at the expence and charge of said Hensley, and that said Hensley is to purchase at his own risk, cost and charge, all the raw materials and other articles upon which he may choose to employ the labor of the convicts; and the state hereby publishes, announces and declares, that no aid shall be given from the Treasury in the performance of any of his, the said Hensley's contracts, nor is the state to be deemed in anywise, manner or form, as guaranteeing his performance or incurring any responsibility.

Sec. 8. *Be it further enacted*, That are hereby ap-
pointed a board of visitors, whose duty it shall be to visit the Penitentiary as often as they may deem expedient, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the dormitories and cells, and the treatment of the convicts generally, and make such memorandum and observations, as will enable them to report to each successive Legislature their opinion, the management and government of the institution.

Sec. 9. *Be it further enacted*, That said Hensley, with the approbation of the board of visitors, or a majority of them, shall appoint a physician, to be paid by said Hensley, to attend upon the

convicts, whose duty it shall be to visit the Penitentiary at least once in each week, and as much oftener as required. Said physician shall communicate to the visitors, any mismanagement, cruelty or inattention to the health and cleanliness of the convicts, which he may deem necessary to be altered or amended; and it is hereby made the duty of the said Hensley, to conform to the request and directions of the said physician and board of visitors, furnished him in writing.

Sec. 10. *Be it further enacted*, That to prevent the escape of any person confined in the Penitentiary, said Hensley, at his proper cost and charge, shall employ a competent guard, the number to be determined upon by himself and the board of visitors, who e duty it shall be to guard the said Penitentiary from fire or other injury, and the convicts from escape; said guard to be entirely under the control and direction of said Hensley, and subject to be dismissed at his pleasure, others being employed in their place; and should any convict escape, said Hensley is to advertise and pay the usual reward for his recaption, and shall prosecute such convict, when retaken, according to the law imposing a penalty for escaping from the jail and penitentiary.

Sec. 11. *Be it further enacted*, That said Hensley is hereby authorised and empowered to erect such buildings and machinery in the Penitentiary, as may be required for the conducting or carrying on any manufacture, or applying the labor of the convicts to any branch of business that he may select, as most eligible for their employment: *Provided*, that said Hensley is hereby required, and it is made his duty within seven years after said institution is delivered to him, and placed under his control and keeping, to erect buildings and place machinery in said Penitentiary, that shall be valued at the sum of seven thousand dollars in the paper of the Bank of the Commonwealth.

Sec. 12. *Be it further enacted*, That the convicts in the Penitentiary, shall be delivered to the said Hensley, clothed in such manner as suits the season, and is conformable to the law prescribing the mode of clothing said convicts, and said Hensley, at the end of the term for which he has been, and is hereby appointed keeper, shall return the convicts clothed in like manner, and shall deliver up to the state, buildings and machinery by him erected in the Penitentiary; of at least the value of seven thousand dollars in the paper of the Bank of the Commonwealth: *Provided, however*, if the said convicts should not be delivered to said Hensley clothed as aforesaid, he, the said Hensley, shall proceed to clothe them under the advice of the board of visitors, and shall have a credit for the cost of said clothing, out of the first payments to be made into the Treasury, according to the fourth section of this act.

Sec. 13. *Be it further enacted*, That said Hensley shall make report to each successive legislature during his continuance in office,

of the number of convicts who have been committed and discharged, released or pardoned, or who have died or escaped and not retaken during the preceding year, as well as the number remaining in confinement. The board of visitors are hereby required to communicate their opinion of the management of the convicts and the state of the institution to each branch of the General Assembly.

Sec. 14. *Be it further enacted*, That if the said Hensley shall depart this life before the end of the time for which he is hereby appointed keeper of the Penitentiary, or if he shall be removed from office by a joint resolution of the General Assembly, the buildings and machinery which he may have placed in said Penitentiary, shall be forfeited and inure to the use of the state; but said Hensley or his representatives may take possession of, and move any property, raw materials or otherwise, which may be on hand at the time of his death or removal.

Sec. 15. *Be it further enacted*, That before the said Hensley shall enter upon the duties of his office as keeper and agent of the Penitentiary, he shall take the following oath: I, Benjamin Hensley, do solemnly swear, that I will faithfully and impartially discharge the duties of keeper and agent of the Penitentiary, according to law. And the said Benjamin Hensley shall enter into bond with two or more securities, to be approved of by

in the penal sum of twenty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he will faithfully and truly perform the duties of keeper and agent of the Penitentiary according to law; and that he will perform all the duties imposed upon him, and stipulations entered into by him under this act; and that he will annually and at the end of each year, during his continuance in office, pay into the public Treasury the sum of \$1,000 in the currency received at the Treasury for taxes; that he will erect in said Penitentiary, and deliver over to the state at the termination of said seven years, buildings and machinery equivalent to the value of seven thousand dollars in the paper of the Bank of the Commonwealth; and that he will pay all costs, charges and expences of said institution, and save the state harmless and free from cost and loss, for and on account of the maintenance, support, government and management of the same; which bond shall be filed with the Auditor, and may be sued on in behalf of the Commonwealth, as often as the condition thereof shall be broken or violated.

Sec. 16. *Be it further enacted*, That the said Benjamin Hensley, keeper and agent of the Penitentiary, in order to enable him to comply with his undertakings, as stipulated in this act, and set forth in the condition of his bond, is hereby authorised and empowered to sell any articles manufactured in the Penitentiary during his continuance in office, without restriction, upon such terms, either for cash or upon credit or barter, as he may deem fit; and

he is further authorised to have and apply to his own use, any sum or sums of money that may arise, or in any wise accrue from such sale or sales, and to demand, sue for and recover the same in his name as keeper for his own individual use and benefit.

Sec. 17. *Be it further enacted*, That all laws or parts of laws, coming within the purview of this act, be, and the same are hereby repealed.

And the question being taken thereon, it was decided in the negative—Yeas 6, nays 28.

The yeas and nays being required thereon by Messrs. Flournoy and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Crutcher, Dudley, Flournoy, Stephens and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Daniel, Davidson, Dawson, Ewing, Faulkner, Forsythe, Hickman, Howard, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, T. Ward, Worthington and Yancey.

And thereupon the bill was re-committed to a select committee of Messrs. Beaty, Ewing, Howard, C. Allan and J. Allen, for amendment.

And then the Senate adjourned.

THURSDAY, JANUARY 6, 1825.

The Senate assembled.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the Senate, of the following titles, to wit: An act for the benefit of Cynthia Hardin; an act for the benefit of the infant heir of William Littell, deceased; an act for the benefit of William Myers; an act for the benefit of the heirs of Hugh Fulton, deceased; an act for the benefit of the heirs and representatives of David Allen, deceased; an act to regulate the town of Stephensport, and vest the title of the land set apart for said town, in certain trustees, and for other purposes; an act to authorise the trustees of the Kentucky Seminary to dispose of, by compromise, the interest of said Seminary in certain lands: Also, bills which originated in the House of Representatives, of the following titles, to wit: An act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson; an act to appropriate fines and forfeitures; an act to add a part of the county of Caldwell to the county of Trigg; an act for the relief of the creditors and heirs of Nathaniel Harlan, deceased; an act for the removal of the seat of

justice of Meade county; an act to alter the time of holding the November term of the Owen circuit court, and for other purposes; and that they had found the same truly enrolled.

Mr. Carneal, from the select committee to which was referred the message from the Governor, covering certain resolutions adopted by the State of Ohio, in relation to the gradual emancipation of slaves, made the following report, to wit:

The select committee to whom the resolutions of the State of Ohio, relative to the gradual emancipation of slaves, were committed, would respectfully report: That they have taken the resolutions aforesaid into consideration, and however much they may regret the existence of slavery in the State of Kentucky, yet they cannot believe the plan proposed by the State of Ohio would succeed, even if the same was admissible under our constitution, which prohibits the Legislature from passing any "laws for the emancipation of slaves, without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated;" which provision at once places the subject beyond the control of the General Assembly, except upon the terms prescribed by the constitution. But even if there was no constitutional barrier in the way, the project is considered as inexpedient at this time, as well as visionary in theory; and however pleasing it may be in prospect, to the philanthropist, your committee are not prepared to adopt it, or to acknowledge the right of the State of Ohio, or of the Congress of the United States, to interfere in the exercise of a power which alone belongs to each individual State. They, therefore, recommend the adoption of the following resolutions:

Resolved by the General Assembly of the State of Kentucky, That it is inexpedient to concur with the resolutions of the State of Ohio, in relation to the gradual emancipation of slaves.

Resolved, That his Excellency the Governor, be requested to forward a copy of the foregoing report and resolution to his Excellency the Governor of each of the United States, requesting him to lay the same before the Legislature thereof; and also, a copy to each of our Senators and Representatives in Congress.

And the said resolutions being twice read, were adopted.

Ordered, That Mr. Carneal carry the same to the House of Representatives, and request their concurrence.

Mr. Yancey, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed the enrolled bills reported this morning by Mr. Lyon, as truly enrolled.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature; which duty, Mr. Yancey shortly thereafter reported was performed.

Mr. Yancey also reported that said committee had examined an enrolled bill entitled "an act to regulate the salaries of the Judges of the Court of Appeals," and had found the same truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same was handed over to the proper committee, to be laid before the Governor, for his approbation and signature.

Mr. Howard, from the select committee to which was referred the report of the committee of propositions and grievances, favorable to the formation of a new county out of parts of the counties of Bath, Montgomery, Nicholas and Bourbon, reported the same without amendment.

Mr. Daniel moved to lay said report on the table until the first day of June; and the question being taken thereon, it was decided in the affirmative.

The Speaker laid before the Senate the following letter from the President of the Bank of Kentucky, to wit:

BANK OF KENTUCKY, Jan. 5, 1825.

Sir—Permit me, in conformity to my duty, to announce, through you, to the honorable body over which you preside, that the annual election of Directors to this Bank, on the part of the stockholders, terminated on yesterday, by the choice of Robert Alexander, John Brown, Charles Miles and Preston W. Brown.

With sentiments of regard, I am, dear sir, respectfully,

J. HARVIE, *Chairman.*

ROBERT B. M'AFEE, Esq. *Speaker of the Senate.*

Mr. Dudley, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to establish election precincts in certain counties in this Commonwealth," reported the same without amendment.

Ordered, That said bill be read a third time; and thereupon, the rule of the house, constitutional provision and third reading thereof being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

Mr. Ewing, from the committee of propositions and grievances, reported a bill authorising the citizens of Oldham county to vote for a place for the permanent seat of justice in said county, which passed to a second reading; and thereupon the second reading of said bill was dispensed with, and the same was ordered to be engrossed and read a third time on to-morrow.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Smith—1. A bill for the benefit of the Sheriff of Scott county.

On motion of Mr. Beauchamp—2. A bill for the benefit of John Alexander.

Ordered, That Messrs. Smith, T. Ward and Barrett prepare and bring in the first, and Messrs. Beauchamp, Crutcher and Wickliff, the second.

Bills from the House of Representatives of the following titles, were read the first time, and ordered to be read a second time, to wit: 1. An act for the benefit of the Sheriff of Bath county; 2. an act supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 13th December 1824; 3. an act to add a part of Monroe to Allen county, and for other purposes; 4. an act concerning the Baptist Church in the town of Maysville; 5. an act for the benefit of Emily Nixon and Beverly Luster; 6. an act for the divorce of sundry persons; 7. an act to reduce the price of vacant lands north of Walker's line; 8. an act to legalize the establishment of the town of Smithland, and confirm the sale of lots therein; 9. an act for the benefit of the Union County Seminary; 10. an act for the benefit of Edmund Bartlett.

And thereupon the rule of the house, constitutional provision, and second and third readings of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th and 10th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The second reading of the third bill being dispensed with, it was committed to a select committee of Messrs. Yancey, Bowman and Dawson, for amendment.

Ordered, That Mr. Mayo inform the House of Representatives of the passage of the first, Mr. Carneal the second, Mr. Flournoy the fourth, Mr. Hughes the fifth, Mr. Dudley the sixth, Mr. Beaty the seventh, Mr. Lyon the eighth, Mr. Ewing the ninth, and Mr. C. H. Allen the tenth.

A bill concerning public roads, was read the second time, and referred to a select committee of Messrs. Flournoy, Muldrow and Beauchamp, for amendment.

The amendment of the House of Representatives, to a bill entitled "an act further to regulate the Lunatic Asylum," was twice read and concurred in.

Ordered, That Mr. Flournoy inform the House of Representatives thereof.

Mr. Flournoy, from the select committee to which it was referred, reported a bill concerning public roads, with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time on to-morrow.

Mr. Selby, from the select committee appointed to prepare and bring in the same, reported a bill for the benefit of Ephraim

Knight, which passed to a second reading; and thereupon, the rule of the house, constitutional provision, and second and third readings thereof, being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the same to the House of Representatives, and request their concurrence.

The amendments made by the House of Representatives, to a bill which originated in the Senate, entitled "an act for the benefit of the Sheriff of Adair county," were twice read and concurred in.

Ordered, That Mr. Selby inform the House of Representatives thereof.

Mr. Howard, from the select committee appointed to prepare and bring in the same, reported a bill authorising infant heirs to choose their guardians; which passed to a second reading.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

By Mr. Shortridge—An act for the benefit of the Sheriff of Bath county.

By Mr. Wilcoxon—An act to authorise the county court of Spencer to procure a house in which the circuit and county courts of Spencer shall be holden.

By Mr. Rodman—An act to authorise the Sheriff of Oldham county to collect the muster fines of that part of the 38th regiment of the militia, which now composes part of the 117th regiment. Also, the passage of a bill which originated in the Senate, entitled "an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes."

By Mr. Prince—An act for the benefit of William Gordon and Elizabeth MPherson.

By Mr. Litton—An act for the benefit of Jesse Walker and others.

By Mr. Garth—An act for the benefit of the widow and heirs of James Shockley, deceased, and an act to authorise Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms.

By Mr. Taylor—An act for the benefit of James Rouse.

By Mr. Miller—An act for the benefit of the Sheriff of Adair county.

With amendments to the two last bills.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing, and also to inform the Senate that on this day the Governor did approve and sign enrolled bills which originated in the Senate, of the following titles, to-wit: An act

for the benefit of the heirs and representatives of David Allen, deceased; an act to authorise the trustees of the Kentucky Seminary to dispose of, by compromise, the interest of said Seminary in certain lands; an act for the benefit of the infant heir of William Littell, deceased; an act to regulate the town of Stephensonport, and to vest the title of the land set apart for said town, in certain trustees, and for other purposes; an act for the benefit of the heirs of Hugh Fulton, deceased; an act for the benefit of William Myers, and an act for the benefit of Cynthia Hardin.

Mr. Beaty, from the select committee to which was referred a bill from the House of Representatives, entitled "an act further to regulate the Penitentiary," reported the same with sundry amendments, which were severally concurred in.

Mr. Faulkner offered an additional section, which was adopted.

Mr. C. Allan offered a proviso to the bill, with a view to bind Mr. Scott to secure to the State at least \$2,000 per annum.

Mr. Carneal offered the following proviso as a substitute for the one offered by Mr. C. Allan, to wit:

Provided, however, That the State shall have the right to elect, before the first annual report, either to receive the one half of the profits, as herein secured, or to receive from the said Joel Scott the sum of \$1,000 per annum, and improvements, at the termination of the period, to be valued at the sum of \$7,000 currency.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 14, nays 20.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Carneal, Daniel, Dawson, Forsythe, Lyon, Maccoun, Muldrow, P. N. O'Bannon, T. Ward and Worthington.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Beauchamp, Bowman, Crutcher, Davidson, Denny, Dudley, Faulkner, Flournoy, Hickman, Howard, Mayo, W. B. O'Bannon, Selby, Smith, Stephens, J. Ward, Wickliff and Yancey.

Mr. Bowman moved to amend Mr. C. Allan's proviso, by striking out \$2,000, and inserting \$1,000; and the question being taken thereon, it was decided in the affirmative—Yeas 18, nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and T. Ward, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Bowman, Daniel, Dawson, Ewing, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Stephens, J. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beauchamp, Carneal, Crutcher, Davidson, Denny, Dudley, Faulkner

Flournoy, Forsythe, Hickman, Howard, Mayo, Selby, Smith, T. Ward and Wickliff.

The question was then taken on the adoption of the proviso offered by Mr. Allan, and decided in the affirmative—Yeas 19, nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and Stephens, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Ballinger, Beauchamp, Bowman, Crutcher, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Hughes, Mayo, Muldrow, Selby, Stephens, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Daniel, Davidson, Dawson, Howard, Lyon, Maccoun, P. N. O'Bannon, W. B. O'Bannon, Smith, T. Ward, Worthington and Yancey.

Mr. Crutcher offered an additional section, allowing each convict, when discharged, five dollars; which was adopted.

Mr. Hughes offered the following proviso, to wit:

Provided, That the whole amount of the net profits which may accrue to the State, for and on account of said Penitentiary, shall be a fund to be appropriated exclusively for the purpose of improving the road from Lexington to Maysville, to be applied in such manner as the Legislature shall hereafter direct.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 3, nays 33.

The yeas and nays being required thereon by Messrs. Hughes and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Hickman, Hughes and W. B. O'Bannon.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Howard, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, Selby, Smith, Stephens, J. Ward, T. Ward, Wickliff, Worthington and Yancey.

When, after sundry other amendments, the bill and amendments were re-committed to a select committee of Messrs. Carneal, Howard, Beauchamp, Davidson and Beaty, for amendment.

And then the Senate adjourned.

FRIDAY, JANUARY 7, 1825.

The Senate assembled.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to wit:

By Mr. Farmer—An act to amend an act approved December 29, 1823, entitled "an act to amend the law in relation to the

turnpike and wilderness road, and for other purposes;" and a bill which originated in the Senate, entitled "an act for the benefit of William B. Duncan, late Sheriff of Hickman county."

By Mr. Clarkson—An act for the benefit of the heirs of George Chamblin, deceased.

By Mr. Triplett—An act for the benefit of securities in certain cases.

By Mr. McConnell—An act to provide for taking the depositions of clerks in certain cases.

By Mr. Buckner—An act to establish an election precinct in the county of Bourbon.

By Mr. Wade—An act to authorise the purchase of certain law books.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing, accompanied with sundry documents.

And thereupon the following message from the Governor was taken up and read, to wit:

Gentlemen of the Senate,

Samuel South, the Treasurer elect for this Commonwealth for the ensuing year, tenders the following persons as his securities in the official bond required by law, viz. Thomas Todd, John Harvie, George M. Bibb, John J. Crittenden, Achilles Sneed, Daniel Weisiger and Jephthah Dudley. They are submitted to you, for your approbation.

JOSEPH DESHA.

January 6, 1825.

Resolved, That the Senate do approve of said securities.

Ordered, That Messrs. Yancey and Hickman inform the Governor thereof, the same being duly certified.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the Senate, of the following titles, to wit: An act for the benefit of the widow and heirs of James Shockley, deceased; an act to authorise Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms; an act for the benefit of Jesse Walker and others; an act for the benefit of William Gordon and Elizabeth M'Pherson; an act authorising the collection of certain moneys due to the first Presbyterian Church in Louisville, and an act for the benefit of Rebecca Watson and Henry Durham: That the said bills were truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the signature of the Speaker of the Senate was affixed thereto, and the same were handed over to the proper committee, to be laid before the Governor, for his approbation and signature.

The Speaker laid before the Senate a remonstrance signed by sundry citizens of the county of Jefferson, in relation to the act of the present session, repealing the law organizing the Court of Appeals and re-organizing that Court, and praying the suspension of the operation of said act.

Mr. Hughes moved to lay said remonstrance on the table until the first Monday in August next; and the question being taken thereon, it was decided in the affirmative—Yeas 23, nays 12.

The yeas and nays being required thereon by Messrs. Beauchamp and Flournoy, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Flournoy, Hickman, Howard, Muldrow, J. Ward and Wickliff.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Breckinridge, Ohio and Daveiss counties, praying for the formation of a new county out of parts of said counties, and have come to the following resolution thereupon, to wit:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Carneal, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act further to regulate the Penitentiary," reported the same with amendments in addition to those made in the Senate on yesterday.

Mr. Beauchamp moved to amend one of the amendments proposed by the select committee, by striking out the following words, to wit: "Which sum, so advanced, shall be considered as capital or stock belonging to the State." And the question being taken thereon, it was decided in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Beauchamp, Crutcher, Denny, Dudley, Faulkner, Flournoy, Hughes, Mayo, Selby, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. Barrett, Beaty, Bowman, Carneal, Daniel, Davidson, Dawson, Forsythe, Howard, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, Worthington and Yancey.

Mr. Denny moved to lay the bill and amendments on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yeas 9, nays 26.

The yeas and nays being required thereon by Messrs. Carneal and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Crutcher, Denny, Dudley, Faulkner, Flournoy, Mayo, Selby, Stephens and Wickliff.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Daniel, Davidson, Dawson, Ewing, Forsythe, Hickman, Howard, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, Worthington and Yancey.

Mr. Daniel moved a re-consideration of the vote by which Mr. Beauchamp's proposition to strike out was rejected; which was thereupon re-considered, and said words were stricken out.

Whereupon the amendments offered by the select committee were severally concurred in.

Mr. Crutcher moved a substitute for the 8th section of the bill, which was adopted.

Mr. Beauchamp offered the following as an additional section to the bill, to wit:

And be it further enacted, That the said Scott shall leave improvements in said institution, worth \$7,000, over and above the \$1,000 per year, or make up the deficiency in what shall then be the currency of the country, unavoidable accidents excepted.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 12, nays 23.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beauchamp, Crutcher, Denny, Dudley, Faulkner, Flournoy, Hickman, Hughes, Mayo, Stephens and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Bowman, Carneal, Daniel, Davidson, Dawson, Ewing, Forsythe, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, Worthington and Yancey.

Mr. Dudley moved an amendment, by way of additional section, which was rejected.

Mr. Flournoy offered the following as a substitute for the whole bill and amendments, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the present Keeper, William Hardin, entering into bond, with two or more good and sufficient securities, in the penal sum of one hundred thousand dollars, conditioned that he will indemnify the State of Kentucky against loss of every

kind, and that he will moreover render a fair and full account of all his transactions, his receipts and expenditures, showing fully the profits, if any, of said institution, then said Hardin shall be continued in the duties and office of Keeper, and all the laws now in force in this State, not repealed by this act, shall continue in full force and effect; but all laws now in force in this State, authorising the Keeper to purchase raw materials, or any other matter or thing, on the credit or responsibility of the State, shall be, and the same are hereby repealed; and all laws giving a per centage upon manufactured materials, are and shall be hereby repealed.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 14, nays 21.

The yeas and nays being required thereon by Messrs. Denny and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beauchamp, Bowman, Crutcher, Denny, Dudley, Faulkner, Flournoy, Hughes, Mayo, Selby, Stephens, J. Ward and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Carneal, Daniel, Davidson, Dawson, Ewing, Forsythe, Howard, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, T. Ward, Worthington and Yancey.

Whereupon said bill, as amended, was ordered to be read a third time; which being dispensed with, and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 26, nays 9.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Daniel, Davidson, Dawson, Ewing, Forsythe, Howard, Hughes, Lyon, Maccoun, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Crutcher, Denny, Dudley, Faulkner, Flournoy, Mayo, Selby, Stephens and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. Smith inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Smith, from the select committee raised for that purpose, reported a bill for the benefit of the Sheriff of Scott county, which passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Smith carry the same to the House of Representatives, and request their concurrence.

Mr. Denny, from the select committee to which was referred the petition of Louis A. Tarascon, reported thereon "a bill to organize the Kentucky enterprizing company," which passed to a second reading.

Mr. Dawson, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to add a part of Monroe to Allen county, and for other purposes," reported the same without amendment.

Mr. Bowman offered the following as a substitute for the 3d and 4th sections thereof, to wit:

Be it further enacted, That the line between the counties of Cumberland and Monroe, shall be, and the same is hereby established in the following manner, to wit: Beginning where the county line of Monroe county crosses the Cumberland river; thence up said river with its meanders, to Martin's ferry on said river; thence with the road from Martin's ferry to Trice's ferry; thence with the line commonly called M'Millan's line, as run from Cumberland river, between said counties of Cumberland and Monroe; and the same is hereby established as the permanent line between said counties; and the Sheriffs of each county shall collect and account for all taxes of the present year, as though this act had not passed; and the Sheriffs and Constables shall collect all debts, and serve all process that may be in their hands, or that may come into their hands, for carrying into effect any suit that may be pending in either court of said counties, that has been commenced previous to the passage of this act.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 12, nays 16.

The yeas and nays being required thereon by Messrs. Bowman and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, Barrett, Bowman, Crutcher, Davidson, Ewing, Faulkner, Forsythe, Hickman, Mayo and J. Ward.

Those who voted in the negative, are, Messrs. J. Allen, Ballinger, Beauchamp, Dawson, Denny, Dudley, Hughes, Lyon, Macoun, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Wickliff and Yancey.

Mr. Bowman moved to strike out the third section, which prevailed; and the same being further amended, was ordered, as amended, to be read a third time; whereupon the third reading was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dawson carry the same to the House of Representatives, and request their concurrence in said amendments.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in the Senate, of the following titles, to wit: An act for the benefit of Jesse Walker and others; an act to authorise Charles Mullens and Micajah Vanwinkle to erect a gate on a public road passing through their farms; an act for the benefit of William Gordon and Elizabeth M'Pherson; an act for the benefit of Rebecca Watson and Henry Durham; an act for the benefit of the widow and heirs of James Shockley, deceased; an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes.

Messages were received from the House of Representatives, announcing the passage of bills and a resolution of the following titles, to wit:

By Mr. Garth—An act for the benefit of Anderson Hickingbottom.

By Mr. Shortridge—A resolution for firing a national salute, on the 8th inst. in commemoration of the victory at New-Orleans.

By Mr. Hunter—An act to amend the act concerning the Directors of the Bank of Kentucky.

By Mr. Turner—An act to regulate proceedings on executions, and for other purposes.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have concurred in the amendments made by the Senate, to a bill which originated in that house, entitled "an act further to regulate the Penitentiary."

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on yesterday, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act to alter the time of holding the November term of the Owen circuit court, and for other purposes; an act for the removal of the seat of justice of Meade county; an act for the relief of the creditors and heirs of Nathaniel Harlan, deceased; an act to add a part of the county of Caldwell to the county of Trigg; an act to appropriate fines and forfeitures; an act to erect election precincts in the counties of Meade, Hardin, Pulaski and Nelson; and a resolution concerning the decisions of the Court of Appeals.

The resolution reported from the House of Representatives by Mr. Shortridge, was taken up, twice read and concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

The Senate then proceeded to a consideration of the orders of the day.

An engrossed bill entitled "an act authorising the citizens of Oldham county to vote for a place for the permanent seat of justice in said county," was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

A bill entitled "an act for the benefit of James Rouse," which was amended in the House of Representatives, was taken up, said amendments being under consideration; when, on motion of Mr. Flournoy, the amendments were committed to a select committee of Messrs. Flournoy, Lyon and Wickliff, for amendment.

A bill entitled "an act to establish the 16th judicial district," was taken up—Mr. Ward's amendment, to establish also a 17th district, being under consideration; and said amendment being amended, was adopted, and the bill ordered to be re-engrossed and read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 20, nays 14.

The yeas and nays being required thereon by Messrs. Beauchamp and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Balingier, Barrett, Beaty, Beauchamp, Carneal, Dawson, Denny, Dudley, Ewing, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, J. Ward, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, Bowman, Crutcher, Daniel, Davidson, Faulkner, Flournoy, Hickman, Howard, W. B. O'Bannon, Smith, Stephens and Wickliff.

Ordered, That the title be amended to read "an act for the formation of the 16th and 17th judicial districts," and that Mr. Lyon carry the same to the House of Representatives, and request their concurrence.

A bill entitled "an act to amend the charter of the Shelbyville and Louisville turnpike road company," was taken up, the amendments thereto, as proposed by the select committee, being under consideration.

Mr. C. H. Allen moved to lay said bill and amendments on the table until the first day of June next; and the question being taken thereon, it was decided in the affirmative, and so the said bill was rejected.

And then the Senate adjourned.

SATURDAY, JANUARY 8, 1825.

The Senate assembled.

Mr. Denny, from the joint committee raised to investigate the conduct and accounts of the keeper, agent and building commissioners of the Penitentiary, made the following report:

The joint committee raised for the purpose of examining the accounts and conduct of the keeper, agent and building committee of the Penitentiary, have had the subject under consideration, and beg leave to report;

That they have examined all the testimony, vouchers and documents produced and submitted to them; that they are perfectly satisfied from the testimony, that the keeper does not deserve the censure cast upon him by a committee, growing out of his purchase of stone work, at the auction made by the agent, in pursuance of the directions of the act of assembly. Your committee cannot but conclude, that the evidence on this point, which was introduced before them, could not have been heard by the former committee. They find nothing in the conduct of the agent worthy of censure. With respect to the charges against the building committee, your committee have only to say, that they acquit them of all blame; they are satisfied with their conduct. At the same time, they do not hesitate to say, that they are of opinion, that if the duties to be performed by the building committee, had been confided to a single individual, the work might have been completed by October or November last. Your committee have carefully examined the accounts and vouchers of the building committee; they find vouchers to cover all the charges made by the commissioners, and they refer to the accounts as well as the testimony taken before the committee, as parts of their report.

Your committee conceive that the allowance of 600 dollars, claimed by the building committee for their services, is reasonable. They recommend also, an allowance of 42 dollars to be made to James Wight, one of the committee, for money paid by him individually, for guards over the convicts whilst working in the quarry.

From the Senate,

JAMES W. DENNY, *Ch'm.*
JAMES ALLEN,
JEROBOAM BEAUCHAMP.

From the House of Representatives,

JAMES M'CONNELL, *Ch'm.*
JACOB A. SLACK,
WILLIAM GORDON,
WILLIAM HUNTER.

Mr. Faulkner, from the joint committee appointed to examine the Auditor's Office, made the following report:

The joint committee of the Senate and House of Representatives, appointed to examine the Auditor's Office, have performed that service.

They have with great care and labor examined all the evidence and vouchers in support of each charge against the state, in the year ending on the 10th day of October 1824, and find all the charges properly supported by legal vouchers and evidence. They also find that the receipts correspond with the books of the Treasurer. They compared the general account, as stated in the Auditor's books, with his report made to the Legislature on the third day of the present session, and they find a perfect correspondence between the books and said report. They, therefore, deem it unnecessary to accompany this report with a detailed statement of the particular items and charges, as it would be but a repetition of the Auditor's report.

Your committee think it due to that department, to state that the whole business has been done with neatness and accuracy.

From the Senate,

JOHN FAULKNER, *Ch'm.*
ANDREW MULBROW,
ROBERT STEPHENS.

From the House of Representatives,

MARTIN HARDIN, *Ch'm.*
W. THOMAS,
LEWIS RIDDELL,
DUDLEY ROUNDTREE.
BEN. W. NAPIER,
SOLOMON CARTER.

Mr. Hickman, from the select committee to which was referred, a bill from the House of Representatives entitled "an act for the benefit of the Union Rolling Mill Company," reported the same with an amendment, which being twice read, was concurred in; and thereupon it was

Ordered, That said bill be read a third time, which being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hickman inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Beauchamp, from the select committee raised for that purpose, reported a bill for the benefit of John Alexander, which passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was committed to the committee for courts of justice.

A resolution from the House of Representatives, entitled "a resolution requesting the representatives from this state, in Congress, to vote for Andrew Jackson as President of the United States," was taken up; which being twice read, Mr. Ewing offered a substitute for the first resolution, and the question being taken on the adoption thereof, it was decided in the affirmative; when the second resolution being amended, and the question being taken on concurring therein as amended, it was decided in the affirmative—Yeas 19, nays 15.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beaty, Beauchamp, Carneal, Daniel, Denny, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, T. Ward, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Bowman, Crutcher, Davidson, Dawson, Ewing, Faulkner, Forsythe, Hickman, Howard, Muldrow, J. Ward and Worthington.

The third resolution was then adopted, and the question being taken on the adoption of said resolutions as amended, it was decided in the affirmative—Yeas 18, nays 12.

The yeas and nays being required thereon by Messrs. Beauchamp and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beaty, Beauchamp, Carneal, Daniel, Dawson, Ewing, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, Selby, Smith, T. Ward, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Bowman, Davidson, Faulkner, Forsythe, Howard, Muldrow, Stephens, J. Ward and Worthington.

Ordered, That Mr. P. N. O'Bannon inform the House of Representatives thereof, and request their concurrence in said amendments.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to wit:

1. By Mr. Thruston:

"An act to apply the net profits of the Bank of the Commonwealth for the year 1825, in aid of the public revenue, and for other purposes."

2. By Mr. Booker:

"An act better to secure the collection of damages assessed in actions of trespass," in which the concurrence of the Senate was requested.

Mr. Denny presented an address of sundry citizens of the county of Jefferson, approbating the act of the present General As-

sembly, repealing the law organizing the Court of Appeals and re-organizing that Court.

Mr. Hughes moved to lay said address on the table until the first Monday in August next; which was decided in the affirmative; whereupon, leave was given to withdraw said address.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. T. Ward—1. A bill to authorize the Crisis, a paper to be printed in Paris, to insert certain advertisements,

On motion of Mr. Lyon—2. A bill to regulate the county levy for M'Cracken county, and for other purposes.

Messrs. T. Ward, Hickman and Hughes, were appointed a committee to prepare and bring in the first; and Messrs. Lyon, Ewing and Ballinger, the second.

A message from the Governor was taken up and read as follows:
Gentlemen of the Senate,

I nominate for your advice and consent, Richard B. Parker, to be commissioned lieutenant colonel of the 42d regiment Kentucky militia, vice Henry Beard, promoted.

JOSEPH DESHA.

January 7, 1825.

Whereupon the same, with the accompanying documents, was, on motion, referred to a select committee of Messrs. Davidson, T. Ward, Ewing, Lyon, Flournoy, Faulkner and Hughes.

On motion, a bill from the House of Representatives, entitled "an act to establish an election precinct in the county of Bourbon," was taken up and passed to a second reading; when the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hickman inform the House of Representatives thereof.

The Senate then went into a consideration of the orders of the day.

An engrossed bill entitled "an act concerning public roads," was read a third time, and the blank therein being filled, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Meldrow carry the same to the House of Representatives, and request their concurrence.

A bill to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office, was taken up and read a second time; which being amended, was ordered to be engrossed and read a third time on Monday next; whereupon, the rule, constitutional provision and further reading thereof were dispensed with.

Mr. T. Ward offered an amendment by way of engrossed ryder, which was adopted, and the several blanks in said bill being filled, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Maccoun carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Thruston:

Mr. Speaker—The House of Representatives disagree to amendments made in the Senate to a resolution which originated in that house, entitled "a resolution requesting the representatives from this State in Congress, to vote for Andrew Jackson as President of the United States."

Whereupon the said resolution was taken up, and Mr. Ewing moved that the Senate do recede from said amendments; and the question being taken thereon, it was decided in the affirmative—Yeas 19, nays 14.

The yeas and nays being required thereon by Messrs. Yancey and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beaty, Beauchamp, Carneal, Daniel, Dawson, Denny, Ewing, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, Smith, Stephens, T. Ward, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Bowman, Crutcher, Davidson, Faulkner, Forsythe, Hickman, Howard, Muldrow, Selby, J. Ward and Worthington.

Ordered, That Mr. P. N. O'Bannon inform the House of Representatives thereof.

A resolution in relation to the proposal of the State of Georgia to amend the constitution of the United States, was taken up, and the same being twice read, Mr. Beauchamp moved to lay the said resolution on the table for the present, which was decided in the affirmative.

A message from the Governor, by Mr. Loughborough, Assistant Secretary.

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

And then the Senate adjourned.

MONDAY, JANUARY 10, 1825.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred, a bill to provide for the construction of a canal at the falls of the Ohio, reported the same with an amendment,

which being twice read, was concurred in, and thereupon the bill as amended, was laid on the table for the present.

A bill from the House of Representatives, entitled "an act to incorporate the Louisville and Portland Canal Company," was, on motion, taken up and passed to a second reading; when the rule, constitutional provision and second reading thereof were dispensed with, and Mr. C. H. Allen offered a substitute in lieu of the same.

Mr. Howard moved to strike out the 8th section of said substitute, which contemplated the setting apart the State's stock in the Bank of Kentucky, and the moneys arising from the sales of the vacant and unappropriated lands belonging to this Commonwealth, as a fund for internal improvements; and the question being taken thereon, it was decided in the affirmative—Yeas 24, nays 9.

The yeas and nays being required thereon by Messrs. Beauchamp and Davidson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Denny, Faulkner, Hickman, Howard, Hughes, Lyon, Muldrow, P. N. O'Bannon, Selby, Stephens, J. Ward, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, Beauchamp, Daniel, Dudley, Ewing, Forsythe, Maccoun, W. B. O'Bannon and Smith.

Mr. Carneal offered the following amendment to the original bill, to wit:

Be it further enacted, That _____ shares of the capital stock in said company, are hereby reserved to be taken by the State, if at the succeeding Legislature, they shall think proper to subscribe for the same, and to be paid for as the shares of the stockholders. And the shares hereby reserved to the State, shall be excepted out of the forfeiture of the privileges of said corporation, hereby provided for, in case of failure to complete subscriptions therefor.

And moved to fill the blank with five hundred shares; and the question being taken on so filling the blank, it was decided in the negative—Yeas 15, nays 18.

The yeas and nays being required thereon by Messrs. Carneal and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Beaty, Carneal, Denny, Ewing, Faulkner, Howard, Hughes, Mayo, Muldrow, P. N. O'Bannon, Smith, Stephens, T. Ward and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, C. H. Allen, Ballinger, Barrett, Beauchamp, Bowman, Crutcher, Daniel, Davidson, Dawson, Dudley, Forsythe, Hickman, Maccoun, W. B. O'Bannon, Selby, Wickliff and Worthington.

Whereupon the said amendment was rejected; and the substitute was read as follows, to wit:

A bill to provide for the construction of a Canal at the Falls of Ohio.

Sec. 1. *Be it enacted by the General Assembly,* That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint four fit persons, whose duty it shall be to superintend all such public works and improvements as the legislature may from time to time direct to be constructed or made, who shall keep an office at the seat of government, and with the Governor, for the time being, (who shall ex officio be their chairman,) shall constitute a board of commissioners of public works; who, or any two of them, or any one of them, if the Governor be present, shall be a sufficient board to do business, and may set at such times and places (in the state,) as a majority shall appoint; and should a vacancy happen at any time, by death or removal from the state of any, it shall be the duty of the Executive to fill all such vacancies. The said board of commissioners shall keep a record of their proceedings, which they shall annually report to the Legislature.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Governor, with one or more of the commissioners of the board of public works, to cause to be laid off, the site of a canal of water navigation around the falls of the Ohio, and also a sufficient quantity of adjacent ground, not less than sixty feet wide on each side, and extending the whole length thereof; and also to cause to be surveyed and laid off, one or more sites connected with said canal, for the purpose of erecting thereon one or more dry docks; and after having so fixed the site of said canal and the adjacent grounds, by causing the same to be accurately measured, and meted and bounded, he shall cause at least three fair plats and drawings thereof to be made, two of which shall be deposited in the Secretary's office, and one delivered to the Attorney General. And it shall be the duty of the Governor, and such of the commissioners of the board of public works, as shall be associated with him, to employ all suitable agents to superintend the constructing the said canal, and the necessary locks and other appertinent improvements, and from time to time, to superintend and direct the manner and extent of the work; and to enable them the better to carry into effect the provisions of this act, they are further authorised to employ, at the public expence, one or more engineers, and to prescribe to such engineers and agents, their respective duties; and any servant, person or agent so employed, at pleasure to dismiss, and at their discretion to substitute others in their places; to contract in person or by agent, for the performance of any portion of the work: *Provided,* that any contract made by such agent, before it shall be obligatory upon the state, shall be approved of by the Governor; and to enable the Governor to carry into effect the foregoing powers, and every other necessary thereto, the Treasurer is directed to pay to his order, the sum of dollars,

out of any moneys in the Treasury, not otherwise appropriated; and as a further fund, it is further provided, that the President of the Bank of the Commonwealth, shall, from time to time, as he shall be so directed by the Governor, pass to the credit of the board of public works, such portions of the money as may have been, or shall hereafter be paid into the Bank of the Commonwealth or the Treasury, for and on account of the state stock in the Bank of Kentucky, and the sales of vacant lands; which sum, when so set apart, shall be subject to, and only liable to be drawn by the order or check of the Governor.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Governor to cause to be laid before the Legislature, at its annual session, a fair and true statement of the proceedings of the commissioners of public works, the progress made in opening the canal, and such other information as shall be deemed worthy of the consideration of the Legislature.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Attorney General, to sue forth from the office of the General Court, a writ of *ad quod damnum*, directed to the Sergeant of the Court of Appeals, to condemn a site for a canal at the falls of the Ohio, and the grounds appertinent thereto, agreeable to the map or survey to be made for the purpose, under the provisions of the act entitled "an act to provide for the construction of a canal at the falls of Ohio;" and for that purpose, it shall be the duty of the Sergeant, to summon twelve good and lawful persons, who shall be residents of the state, to attend at some place on the premises, at such time as the said Sergeant shall elect and appoint; and it shall moreover be the duty of the Sergeant to serve a written notice, at least three days before the meeting of the jury, on any proprietor known to him, who shall be in possession of the ground or any part of it, through which the canal shall pass, and he shall moreover advertise the time of meeting, at least twice in some public newspaper published in Louisville. But should the jury fail to attend on the day fixed, it shall and may be lawful for the Sergeant, for that or any other cause deemed by him sufficient, to adjourn the jury to some future day, or summon another jury, or to supply the jury by by-standers, as the case may require. The jury so empanelled, shall be sworn, well and truly to enquire of, and ascertain the value of the land proposed to be condemned, at the time of administering the oath; which oath shall be administered unto them by some justice of the peace, which the Sergeant may summon (if necessary,) for the purpose; and the said Sergeant shall take the verdict of the jury, under their hands and seals, and shall, in the presence of the jury, cause the same to be sealed up, and shall thereafter, as soon as practicable, deliver the same to the Governor, who shall, if he approves of the same, endorse that he doth so approve, and shall make a tender or cause to

be made a tender of the price of such land as shall be condemned, to the proprietor or proprietors, as the case may be, and immediately pay the same to such proprietor or proprietors, on such proprietor executing to the Commonwealth a deed in fee simple, with a covenant of warranty of the title, to refund the purchase money, should there appear a better title hereafter to the ground for which payment is made.

Sec. 5. And be it further enacted, That if the jurors shall not be able to agree in a verdict, they may be discharged and another jury summoned, until a verdict is rendered.

Sec. 6. And be it further enacted, That if the said canal shall pass through different proprietors' land, or the surveys submitted for the land to be condemned, embrace the lands of different proprietors, it shall be the duty of the jury to state the names of the proprietors through which the canal will pass, and the amount in value of each proprietor's land condemned.

Sec. 7. And be it further enacted, That it shall be the duty of the Attorney General, to attend on the part of the state, the inquest hereby directed to be taken, and to cause the same to be presented to the General Court, who, if it shall appear to them that the said inquest conforms to the provisions of this act, shall cause the same to be entered at large upon their record.

Sec. 8. And be it further enacted, That if it shall so happen that any person shall own or claim said land or any part of it, who shall not live within the state, or whose place of residence shall be unknown to the Sergeant, or who shall have failed to accept the money assessed agreeable to the finding of the jury, it shall in any such case, be the duty of the said General Court, nevertheless, to order the whole ground surveyed, to be condemned to the use of the Commonwealth, and to render a judgment or judgments to the proprietors respectively, by their names, if their names are known, if not known, then in favor of such unknown proprietor, according to the assessing of the jury.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 12, nays 23.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Beauchamp, Daniel, Dudley, Ewing, Forsythe, Hughes, Macoun, Mayo, W. B. O'Bannon, Smith and T. Ward.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Bowman, Carneal, Crutcher, Davidson, Dawson, Deeny, Faulkner, Hickman, Howard, Lyon, Muldrow, P. N. O'Bannon, Selby, Stephens, J. Ward, Wickliff, Worthington and Yancey.

The said bill was ordered to be read a third time on to-morrow.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing.

Whereupon the rule being dispensed with, the said message was taken up and read as follows, to wit:

Gentlemen of the Senate,

Pursuant to the provisions of an act of the present General Assembly, entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved December 24, 1824, I nominate for your advice and consent, William T. Barry, Esq. to be commissioned Chief Justice of the State of Kentucky.

James Haggin, Esq. to be commissioned second Associate Justice of the Court of Appeals.

John Trimble, Esq. to be commissioned third Associate Justice of the Court of Appeals.

Benjamin W. Patton, Esq. to be commissioned fourth Associate Justice of the Court of Appeals.

Richard Taylor, Esq. to be commissioned Sergeant of the Court of Appeals.

I also nominate for your advice and consent, William Owens, Esq. to be commissioned Attorney for the Commonwealth, in the eighth judicial district, to succeed Parker C. Hardin, Esq. whose commission will expire with the present session.

JOSEPH DESHA.

January 10, 1825.

And the question being taken on advising and consenting to the first four nominations contained therein, it was decided in the affirmative—Yeas 22, nays 11.

The yeas and nays being required thereon by Messrs. Beaty and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Dawson, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, T. Ward, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Stephens, J. Ward and Wickliff.

The question was then taken on advising and consenting to the fifth nomination therein contained, and decided in the affirmative—Yeas 24, nays 7.

The yeas and nays being required thereon by Messrs. Mayo and Ewing, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Daniel, Daw-

son, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannen, W. B. O'Bannon, Selby, Smith, Stephens, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman and Howard.

The remaining nomination contained in said message, was thereupon advised and consented to.

Ordered, That Messrs. Ewing and Denny inform the Governor thereof, the same being duly certified.

The following message from the Executive, was also taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Charles Lynn, Esq. to be commissioned Assistant Judge in and for the county of Callo-way, in place of Reuben E. Rowland, Esq. resigned.

Daniel K. Haycraft, Esq. to be commissioned Notary Public, in and for the county of Hardin,

JOSEPH DESHA.

January 8, 1825.

Resolved, That the Senate do advise and consent to said nominations respectively.

Ordered, That Messrs. Lyon and Crutcher inform the Governor thereof, the same being duly certified.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined enrolled bills which originated in the Senate of the following titles, to wit: An act further to regulate the Lunatic Asylum; an act for the benefit of the sheriffs of Adair, Union, Bullitt and Washington counties; an act for the benefit of William B. Duncan, late sheriff of Hickman county: Also, bills and resolutions which originated in the House of Representatives, of the following titles, to wit: An act further to regulate the debt due the Commonwealth for the sale of vacant lands, and the lands acquired by the treaty of Tellico; an act further to regulate the Penitentiary; a resolution for a national salute on the 8th January, 1825; an act supplemental to an act to provide for the selection of a permanent seat of justice for Campbell county, approved 13th December, 1824; an act concerning the Baptist Church in the town of Maysville; an act for the divorce of sundry persons; an act for the benefit of Edmund Bartlett; an act for the benefit of Emily Nixon and Beverly Luster; an act to reduce the price of vacant lands north of Walker's line; an act for the benefit of the sheriff of Bath county; an act to establish election precincts in certain counties in this Commonwealth; a resolution for uniting the public printing; a resolution for the erecting of tomb-stones over the bodies of the honorable Thomas Dollerhide, late Senator from the county of Pulaski, and the late Governors Madison and Green-up; an act to authorize a sale of a part of the public square in the

town of Irvine, and county of Estill; an act for the benefit of Agnes Punteny; an act to legalize the establishment of the town of Smithland, and confirm the sale of lots therein; a replication to the response of the Judges of the Appellate Court, and a resolution in relation thereto; and that the same were truly enrolled.

Whereupon, Mr. Yancey, from said committee, reported that the same were signed by the Speaker of the House of Representatives, and were now presented for the signature of the Speaker of the Senate; which being affixed thereto, it was ordered that the same be, by the proper committee, laid before the Governor for his approbation and signature; which duty, Mr. Yancey, in a short time thereafter, reported they had performed.

Messages were received from the House of Representatives, announcing the passage of bills and resolutions of the following titles, to wit:

By Mr. Joyes—Amendments made in the Senate to a resolution for raising a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth, which originated in the House of Representatives, disagreed to.

When, on motion, said resolution and amendments were taken up, and Mr. Beauchamp moved to lay the same on the table for the present; and the question being taken thereon, it was decided in the affirmative—Yeas 17, nays 14.

The yeas and nays being required thereon by Messrs. Hickman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Beauchamp, Daniel, Dawson, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, P. N. O'Bannon, Selby, Smith, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Bowman, Crutcher, Davidson, Faulkner, Hickman, Howard, Lyon, Muldrow, W. B. O'Bannon, Stephens, J. Ward and Wickliff.

By Mr. Taylor—Amendments made in the Senate, to a bill which originated in the House of Representatives, entitled "an act to amend the act concerning the directors of the Bank of Kentucky," in that House concurred in.

By Mr. Cunningham—Amendments of the Senate to a bill which originated in the House of Representatives, entitled "an act for the benefit of the Union Rolling Mill Company," concurred in, in that House.

By Mr. Willis—An act to reduce the expences of the Bank of the Commonwealth; and a bill which originated in the Senate, entitled "an act to incorporate the Greensburg Bridge Company."

By Mr. B. Hardin—Amendments of the Senate to an amendment of the House of Representatives, to a bill which originated in the Senate, entitled "an act to amend the act entitled an act

providing for copying certain records in the surveyor's office of Fayette county," concurred in with an amendment.

When, on motion, said bill with said amendment, was taken up, and the same being twice read, was concurred in.

Ordered, That the Secretary inform the House of Representatives thereof.

By Mr. Shortridge—A bill which originated in the Senate, entitled "an act to amend an act entitled an act to revive and amend the champerty and maintenance law, and the more effectually to secure the *bona fide* occupants of land in this Commonwealth, approved January 7, 1824," with sundry amendments.

By Mr. Prince—A bill which originated in the Senate, entitled "an act to change the place of comparing the polls in the 8th senatorial district."

By Mr. Miller—An amendment made in the Senate to a bill which originated in the House of Representatives, entitled "an act for the benefit of Marcus Huling and others," concurred in, in that House.

By Mr. Hodge—Bills which originated in the Senate of the following titles, to wit: An act allowing an additional constable to the county of Logan; an act to authorize John Bartlett and his associates, to build a bridge over main Elkhorn, in Franklin county; and amendments made in the Senate to bills which originated in the House of Representatives of the following titles, to wit: An act to allow the justices of the peace of Morgan county, each, a copy of the Digest Laws; an act declaring Kennikennick navigable to the mouth of the Laurel Fork, concurred in, in that House.

By Mr. Morgan—A bill which originated in the Senate, entitled "an act to change the place of voting in an election precinct in Nicholas county."

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign the following enrolled bills, which originated in the Senate, viz. An act further to regulate the Lunatic Asylum; an act for the benefit of the sheriffs of Adair, Union, Bullitt and Washington counties; an act for the benefit of William B. Duncan, late sheriff of Hickman county.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill for the benefit of John Alexander, reported the same without amendment, which was thereupon ordered to be engrossed and read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beauchamp carry the same to the House of Representatives, and request their concurrence.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill authorizing the Crisis, to be printed in Paris, to insert certain advertisements, which passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. Ward carry the same to the House of Representatives, and request their concurrence.

Mr. Lyon, from the select committee raised for that purpose, reported a bill to regulate the county levy of M'Cracken county, and for other purposes, which passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon carry the same to the House of Representatives, and request their concurrence.

On motion, a bill from the House of Representatives, entitled "an act to amend the act concerning the Directors of the Bank of Kentucky," was taken up; when the rule, constitutional provision and second reading thereof being dispensed with,

Mr. Dudley offered a substitute for said bill, which was adopted.

And thereupon the same was ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof being dispensed with,

Resolved, That said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof, and request their concurrence in said amendment.

The report of the select committee raised to examine the improvements made by Col. A. Muldrow in the Kentucky river, at the Back Shoals, was taken up.

Mr. Howard moved to amend the same by attaching thereto the following resolution, to wit:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That Thomas Munday, William Christopher, jun. Benjamin Hensley and Jacob Rinard, any three of whom shall constitute a board, be, and they are hereby appointed commissioners to examine the Kentucky river, from the Buck Shoals to its junction with the Ohio, and report their opinion thereon to his excellency the Governor, whose duty it shall be, to lay the same before the Legislature, at their next session; and upon said report being made to the Governor; as aforesaid, the said commissioners shall

be entitled to two dollars per day each, for their services, to be paid out of any money in the Treasury, not otherwise appropriated.

And the question being taken thereon, it was decided in the affirmative—Yeas 25, nays 6.

The yeas and nays being required thereon by Messrs. Dawson and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Davidson, Denny, Dudley, Ewing, Faulkner, Forsythe, Hickman, Howard, Hughes, Lyon, Maccoun, Mayo, Muldrow, Selby, Smith, Stephens, J. Ward and Worthington.

Those who voted in the negative, are, Messrs. Crutcher, Daniel, Dawson, P. N. O'Bannon, W. B. O'Bannon and Yancey.

Whereupon, the report being amended, the same was adopted.

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to provide for viewing and marking a way for a turnpike road from Lexington to Maysville; which passed to a second reading.

Mr. Denny read and laid on the table, the following joint resolution, to wit:

Whilst the people of the United States are testifying their gratitude for the distinguished and generous services of Gen. La Fayette in the American revolution, the people of Kentucky would gladly co-operate in handing down to posterity, the fame, and in preserving a likeness of the man, whose genius and devotion to the cause of freedom and liberal principles in two hemispheres, have been so conspicuously displayed. A portrait of the man, is calculated to call up the associate ideas of the talents and virtues, by which he acquired his great reputation, and to increase and strengthen the moral effects and advantages resulting from the great principles with which his fame is connected. Every citizen of Kentucky is eager to look at La Fayette. In viewing him, the glory of our country, the principles of the revolution, the greatness of the object, the toils, anxiety, constancy and patriotism employed in pursuit of it, and the precious value of liberty, are kindred ideas.

A man born and nurtured in Kentucky, grown in its forests and canebrakes, by force of his native genius, exerted under the benign influence of free government and equal rights, has distinguished himself in the art of painting. Such an artist, is an appropriate instrument to be employed by Kentucky, in preserving a likeness of La Fayette, and in testifying her gratitude for his services, which have so eminently contributed to bring forth that political freedom, independence and sovereignty, as a state, which

she enjoys in common with the rest of the United States: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor be requested, and he is hereby authorised, for and on behalf of this state, to employ Matthew H. Jouitt, to take a full length portrait of General La Fayette.

Resolved, That the Governor be requested to cause these resolutions to be made known to General La Fayette, accompanied by an earnest solicitation on behalf of this General Assembly, that he will permit Mr. Jouitt to take the portrait.

Whereupon, the rule and constitutional provision in relation thereto, being dispensed with, and the same being twice read, was adopted.

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

Bills of the following titles, which originated in the House of Representatives, were severally read a second time, to wit: 1. An act for the benefit of the heirs of General William McDowell, deceased; 2. an act for the benefit of the widow and heirs of James Kerr, deceased; 3. an act to provide for the distribution and preservation of the public law books; 4. an act to regulate the Auditor and Treasurer's offices; 5. an act authorizing infant heirs to choose their guardians; 6. an act to organize the Kentucky enterprising company; 7. an act to add a part of the county of Nicholas to the county of Harrison.

Whereupon, the rule, constitutional provision and further readings of the 1st and 2d bills being dispensed with,

Resolved, That the same do pass, and that their titles be as aforesaid.

Ordered, That Mr. P. N. O'Bannon inform the House of Representatives thereof.

The 3d, 4th and 5th, were laid on the table until the first day of June next.

The 6th and 7th, were ordered to be engrossed and read a third time on to-morrow.

A bill from the House of Representatives, entitled "an act concerning answers in chancery," was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. C. Allan inform the House of Representatives thereof.

A bill from the House of Representatives, entitled "an act to establish a new county out of parts of Warren, Hart and Grayson counties," was read a second time, and ordered to be read a third time on to-morrow.

Bills which originated in the House of Representatives of the following titles, were severally read the first time, to wit: 1. An

act for the benefit of the Judge of the 10th judicial district; 2. an act for the benefit of the heirs of Joshua Wilson; 3. an act to establish an election precinct in Bullitt county; 4. an act to amend the act establishing the town of Lebanon in Washington county; 5. an act to change the place of taking votes in the southern precinct in Barren county; 6. an act in addition to an act entitled "an act authorising certain county courts to appoint port wardens, and prescribing their duties," approved February 6th, 1819; 7. an act to change the place of voting in the Maxville precinct in the county of Washington; 8. an act to amend an act entitled "an act to amend the several laws now in force, concerning the town of Maysville in the county of Mason," approved December 15th, 1823; 9. an act for the benefit of the heirs of William Warren, deceased; 10. an act to legalize the proceedings of the town of West-Liberty; 11. an act declaring the powers of the trustees of the town of Greenupsburg, and for other purposes; 12. an act for the benefit of the children of David Knox, deceased; 13. an act concerning the Independent Bank at Columbia; 14. an act to allow additional constables and justices of the peace to several counties in this Commonwealth; 15. an act for the benefit of Andrew Mershon; 16. an act for the benefit of the sheriff of Munroe county; 17. an act to establish election precincts in the counties of M'Cracken and Grayson; 18. an act for the benefit of Thomas Stroud; 19. an act to amend an act to establish the town of Waidsbrough in the county of Calloway, and to provide for the sale of lots; 20. an act for the benefit of Susan Scofield; 21. an act to dissolve the marriage of Vachel Hobbs and Amelia his wife; 22. an act for the benefit of Jenny Boatman; 23. an act to regulate suits against joint or joint and several obligors; 24. an act to authorise the Auditor to come to a settlement with the keeper of the Penitentiary; 25. an act to amend the law imposing a forfeiture for failing to improve lands in this Commonwealth; 26. an act to alter the time of holding certain circuit and county courts in this Commonwealth; 27. an act for the benefit of the heirs of Isaac Flannery; 28. an act for the benefit of Henry G. Mitchell and Ezekiel Jenkins; 29. an act for the benefit of the widow of George Threlkeld, deceased; 30. an act for the benefit of the widow and heirs of James Lapsley, deceased; 31. an act to legalize the proceedings of the Harrison county court, and for other purposes; 32. an act to authorise the keeper of the upper turnpike gate, on the road from Georgetown to Cincinnati, to remove the same; 33. an act to provide for the ferrying of the citizens of Greenup county across Little Sandy on election days, and for other purposes; 34. an act to authorise advertisements to be made in the Western Luminary, and Farmers' Register, and Village Chronicle; 35. an act to legalize the proceedings of the proprietors of the town of Lewisburg; 36. an act for the benefit of

the heirs of John H. Holt; 37. an act for the benefit of the widow and heirs of William Audd.

Whereupon the rule, constitutional provision and further readings of the 1st, 2d, 3d, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 15th, 16th, 17th, 18th, 19th, 22d, 24th, 27th, 28th, 29th, 30th, 31st, 32d, 34th, 35th, 36th and 37th, were dispensed with and it was

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Secretary inform the House of Representatives thereof.

The following numbers of said bills were committed to select committees for amendment, the rule, constitutional provision and second reading thereof being dispensed with, to wit: The 6th, to Messrs. Denny, C. Allan and Hughes; the 23d, to Messrs. Carneal, C. H. Allen, C. Allan and Denny; the 26th, to Messrs. T. Ward, Wickliff and Bowman; and the 33d, to Messrs. T. Ward, Lyon and Daniel.

The 14th was laid on the table until the 1st day of June next.

The 20th, 21st and 25th, were ordered to be read a second time.

A bill which originated in the Senate, entitled "an act to amend an act entitled an act to revive and amend the champerty and maintenance law, and the more effectually to secure the *bona fide* occupants of land in this Commonwealth," approved January 7th, 1824, was taken up, the amendments made in the House of Representatives to said bill, being under consideration, which was thereupon passed over for the present.

Ordered, That the Public Printers forthwith print 150 copies hereof, as amended, for the use of the General Assembly.

A resolution from the House of Representatives, fixing on a day for the final adjournment of the General Assembly, was on motion, taken up; and the same being twice read, and the blank therein being filled with the 12th instant, was concurred in.

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in said amendment.

And then the Senate adjourned.

TUESDAY, JANUARY 11, 1825.

The Senate assembled.

Mr. Davidson, from the select committee to which was referred the nomination of R. B. Parker, as lieutenant-colonel of the 42d regiment Kentucky militia, made the following report thereon, to wit:

The committee to whom was referred the nomination of Richard P. Parker, to fill the office of lieutenant-colonel in the 42d regiment Kentucky militia, have had the same under consideration, with the accompanying documents, and have come to the following resolution, to wit:

Resolved, That the nomination aforesaid *be disagreed to*.

And the question being taken on concurring therein, it was decided in the affirmative—Yeas 30, nays 4.

The yeas and nays being required thereon by Messrs. Hickman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Bowman, Carneal, Crutcher, Daniel, Davidson, Denny, Dudley, Ewing, Faulkner, Forsythe, Hickman, Howard, Lyon, Maccoun, Mayo, Muldrow, P. N. O'Bannon, Smith, Stephens, J. Ward, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, Dawson, Selby and Wickliff.

Ordered, That Messrs. Davidson and T. Ward inform the Governor thereof, the said disagreement being duly certified.

Mr. T. Ward, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to alter the time of holding certain circuit and county courts in this Commonwealth," reported the same with sundry amendments, which being twice read, were concurred in, and the bill, as amended, ordered to be read a third time; whereupon the third reading was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. T. Ward carry the same to the House of Representatives, and request their concurrence in said amendments.

Messages were received from the House of Representatives, announcing the passage of bills and resolutions of the following titles, to wit:

By Mr. Morris—A bill which originated in the Senate, entitled "an act to change the venue in the case of Samuel Giler."

By Mr. Goggin—An act appointing additional Trustees to the Somerset Academy.

By Mr. Joyes—An act to establish a tobacco inspection in the town of Portland.

By Mr. Morgan—Bills which originated in the Senate, of the following titles, to wit: An act for the benefit of Abraham Wood and others; an act for the benefit of the heirs of Michael Graves, deceased; an act for the benefit of the heirs of Andrew Snider, deceased; an act for the benefit of the heirs of William Baker, deceased—with amendments to each.

By Mr. Gresham—A bill which originated in the Senate, entitled "an act for the benefit of Henry S. Langford," with an amendment.

By Mr. J. M. McConnell—A bill which originated in the Senate, entitled "an act to amend an act entitled an act to reduce into one the several acts respecting the establishment of ferries," with an amendment.

By Mr. J. G. Hardin—A resolution requesting the Governor to open a correspondence with the Governor of the State of Tennessee, in relation to the road from Danville, by way of Columbia and Tompkinsville, to Murfreesborough, in Tennessee.

By Mr. Litton—A bill which originated in the Senate, entitled "an act for the benefit of Rebecca Adams."

By Mr. W. C. Williams—Amendments of the Senate, to a bill which originated in the House of Representatives, entitled "an act to alter the time of holding certain circuit and county courts in this Commonwealth," concurred in.

By Mr. Thomas—A bill which originated in the Senate, entitled "an act to amend an act entitled an act to regulate the town of Scottville, and for other purposes."

By Mr. Cunningham—An act for the appropriation of money.

By Mr. Morgan—A resolution which originated in the Senate, in relation to the decisions of the Supreme Court of the United States upon our occupying claimant laws, with amendments.

By Mr. Davess—A bill which originated in the Senate, entitled "an act concerning the town of Danville."

By Mr. W. C. Williams—A bill which originated in the Senate, entitled "an act to amend an act entitled an act to establish and regulate the town of Louisa, in the county of Lawrence."

By Mr. Morgan—Bills which originated in the Senate, entitled "an act for the benefit of the widow and heirs of Leratte Dickerson, deceased," and "an act for the divorce of Ann Hall."

The concurrence of the Senate was requested in all those which originated in the House of Representatives, and in the amendments made to those which originated in the Senate.

Messages in writing were received from the Governor, by Mr. Loughborough, to wit, Nos. 49 and 50, and a communication that the Governor did on this day approve and sign enrolled bills, which originated in the Senate, of the following titles, to wit: An act to change the place of comparing the polls in the 8th senatorial district; an act to authorise John Bartlett and his associates to build a bridge over Main Elk horn, in Franklin county; an act to change the place of voting in an election precinct in Nicholas county; an act allowing an additional Constable for the counties of Logan and Warren; an act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county, and for other purposes; an act to incorporate the Greensburg Bridge Company.

Whereupon, the rule, &c. being dispensed with, the following message, received on to-day, was taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Leslie Combs, lieutenant-colonel of the 42d regiment Kentucky militia, in place of Henry Beard, promoted.

Hamilton Atcheson, major of said regiment, in place of Leslie Combs, if promoted.

JOSEPH DESHA.

January 11, 1825.

Resolved, That the Senate do advise and consent to the first nomination therein contained.

Ordered, That Mr. Davidson inform the Governor thereof, the same being duly certified.

The remaining nomination therein contained, was, on motion of Mr. Lyon, referred to a select committee of Messrs. Lyon, Faulkner and Wickliff.

The following message was also taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Alexander Dunlap, to be commissioned colonel of the 106th regiment Kentucky militia, in place of William Buford, resigned.

John Steele, lieutenant-colonel of the same regiment, vice Alexander Dunlap, if promoted.

JOSEPH DESHA.

January 11, 1825.

Resolved, That the Senate do advise and consent to the nominations therein contained.

Ordered, That Messrs. Muldrow and Maccoun inform the Governor thereof, the same being duly certified.

Mr. Lyon, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the Senate, of the following titles, to wit: An act to change the place of comparing the polls in the 8th senatorial district; an act to amend an act entitled an act providing for copying certain records in the Surveyor's office in Fayette county, and for other purposes; an act allowing an additional Constable for the counties of Logan and Warren; an act to change the place of voting in an election precinct in Nicholas county; an act to incorporate the Greensburg Bridge Company; an act to authorise John Bartlett and his associates to build a bridge over Main Elkhorn, in Franklin county: Also bills and a resolution which originated in the House of Representatives, of the following titles, to wit: An act to establish an election precinct in the county of Bourbon; an act to add a part of Monroe to Allen county, and for other purposes; an act to amend the law regulating the distribution of the statute Laws and Journals of this Commonwealth; a resolution request-

ing the representatives from this State, in Congress, to vote for Andrew Jackson as President of the United States; and that the same were truly enrolled.

Mr. Dudley presented the address of the citizens of Frankfort, in relation to re-building the Capitol; which was committed to a select committee of Messrs. Dudley, C. H. Allen, Carneal and Ewing.

Mr. Carneal, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to regulate suits against joint, or joint and several obligors," reported the same with amendments, which being concurred in, the bill, as amended, was ordered to be read a third time; which being done,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in said amendments.

Leave was given to report bills of the following titles, to wit:

On motion of Mr. Muldrow—1. A bill to authorise the insertion of certain advertisements in "The Constitutionalist," printed in Versailles.

On motion of Mr. Dawson—2. A bill to amend "an act concerning Kentucky land warrants which may have been lost."

On motion of Mr. Crutcher—3. A bill to alter the line between Spencer and Bullitt counties.

Which severally passed to a second reading, when, on motion, the rule, constitutional provision and further readings of the first and second bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Muldrow carry the first, and Mr. Dawson the second, to the House of Representatives, and request their concurrence.

Mr. Lyon, from the select committee to which was referred a bill from the House of Representatives, entitled "an act to provide for ferrying the citizens of Greenup county across Little Sandy, on election days, and for other purposes," reported the same with amendments, which being concurred in, the bill was ordered to be read a third time; whereupon, the third reading thereof being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Lyon carry the same to the House of Representatives, and request their concurrence in said amendments.

Mr. Dudley, from the joint committee of enrolments, reported that the Speaker of the House of Representatives had signed sundry enrolled bills and a resolution, the titles of which were hereto-

fore reported by Mr. Lyon, and that the same were now presented for the signature of the Speaker of the Senate; which being affixed thereto, the same were handed over to the proper committee, to be by them laid before the Governor, for his approbation and signature; and after a short time, Mr. Dudley reported that they had performed that duty.

Mr. Howard obtained leave to report "a bill to change the place of taking votes in an election precinct in Madison county," which passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence.

On motion, a bill from the House of Representatives, entitled "an act to amend the several acts more effectually to suppress the practice of duelling," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

On motion, a bill from the House of Representatives, entitled "an act to incorporate the Louisville and Portland Canal Company," was taken up.

The bill being on its passage, Mr. C. Allan offered the following as an engrossed ryder, to wit:

Be it further enacted, That the Legislature hereby retain the right of purchasing said canal, by paying the cost thereof, together with ten per centum per annum thereon until paid: *Provided*, the election of this Commonwealth to purchase said canal, be made within two years from and after the passage of this act.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 6, nays 26.

The yeas and nays being required thereon by Messrs. C. Allan and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Daniel, Hickman, Maccoun, Mayo and Stephens.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Carneal, Crutcher, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Howard, Hughes, Lyon, Muldrow, W. B. O'Bannon, Selby, Smith, J. Ward, T. Ward, White, Worthington and Yancey.

The question was then taken on the passage of said bill, and decided in the affirmative—Yeas 25, nays 7.

The yeas and nays being required thereon by Messrs. Hickman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Beauchamp, Carneal, Crutcher, Davidson, Dawson, Denny, Dudley, Ewing, Howard, Hughes, Lyon, Maccoun, Muldrow, W. B. O'Bannon, Selby, Stephens, J. Ward, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Ballinger, Daniel, Faulkner, Hickman, Mayo and Smith.

Ordered, That Mr. Denny inform the House of Representatives thereof.

Mr. Denny, from the select committee to which was referred a bill from the House of Representatives, entitled "an act in addition to an act authorising certain county courts to appoint Port-Wardens, and prescribing their duties, approved February 6th, 1819," reported the same without amendment; whereupon it was ordered that said bill be read a third time, when the third reading thereof was dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Denny inform the House of Representatives thereof.

Mr. Dudley, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of the Union Rolling Mill Company; an act to legalize the proceedings of the Trustees of the Town of West-Liberty; an act to authorise the Auditor to come to a settlement with the Keeper of the Penitentiary; an act for the benefit of the heirs of William Warren, deceased; an act for the benefit of Marcus Huling and others; an act to amend the act concerning the Directors of the Bank of Kentucky; an act concerning answers in chancery; an act to change the place of voting in the Maxville precinct in the county of Washington; an act for the benefit of the Judge of the 10th judicial district; an act to change the place of taking votes in the southern precinct in Barren county; an act to amend the act establishing the town of Lebanon, in Washington county; an act for the benefit of Thomas Stroud; an act to establish election precincts in the counties of Grayson and M'Cracken; an act to amend an act establishing the town of Waidsbrough, in the county of Calloway, and to provide for the sale of lots; an act to authorise the keeper of the upper turnpike gate on the road from Georgetown to Cincinnati, to remove the same; an act for the benefit of the widow of George Threlkeld, deceased; an act for the benefit of the heirs of David Knox, deceased; an act concerning the Independent Bank at Columbia; an act declaring the powers of the Trustees of the town of Greenupsburg, and for other pur-

poses; an act for the benefit of Jenny Boatman; an act to establish an election precinct in Bullitt county; an act to amend an act entitled an act to amend the several laws now in force concerning the town of Maysville, county of Mason, approved December 15, 1823; an act for the benefit of Susan Scofield, and an act for the benefit of the heirs of Joshua Wilson; and that the same were truly enrolled.

Whereupon, Mr. Yancey, from the same committee, reported that the Speaker of the House of Representatives had signed said bills, and that they were now presented for the signature of the Speaker of the Senate; which being affixed thereto, the same were delivered to the proper committee, to be by them laid before the Governor for his approbation and signature; and after a short time, Mr. Yancey reported that they had performed that duty.

A message from the House of Representatives, by Mr. Wade:

Mr. Speaker—The House of Representatives have passed a bill entitled "an act to amend an act entitled an act for incorporating the Hartford Bridge Company, and for other purposes," in which they request the concurrence of the Senate.

The Senate then proceeded to a consideration of the orders of the day.

A resolution which originated in the House of Representatives, for appointing a joint committee to cancel by burning, certain notes of the Bank of the Commonwealth, was taken up—the disagreement of that house, to amendments made to said resolution in the Senate, being under consideration; whereupon the same, with the amendments, was laid on the table for the present.

Bills of the following titles, which originated in the Senate, pending on amendments made thereto in the House of Representatives, were taken up, to wit: 1. An act for the benefit of Henry S. Langford; 2. an act for the benefit of Abraham Woods and others; 3. an act for the benefit of the heirs of Michael Glaves, deceased; 4. an act for the benefit of the heirs of Andrew Snider, deceased; 5. an act for the benefit of the heirs of William Baker, deceased; 6. an act to amend an act entitled an act to reduce into one the several acts respecting the establishment of ferries.

The amendments to the 1st, 2d, 3d, 4th and 5th, being twice read, were severally concurred in, and the amendments to the 6th were disagreed to—official information whereof, was communicated to the House of Representatives.

Engrossed bills of the following titles were severally read a third time, to wit: 1. An act to add a part of the county of Nicholas to the county of Harrison; 2. an act to organize the Kentucky enterprizing company; 3. an act to provide for viewing and marking a way for a turnpike road from Lexington to Maysville.

Resolved, That the first and second bills do pass, and that their titles be as aforesaid.

Ordered, That Mr. Barrett carry the first, and Mr. Lyon the second, to the House of Representatives, and request their concurrence.

To the third Mr. Hughes offered an engrossed ryder, which was adopted; and the question being taken on the passage of said bill as amended, it was decided in the affirmative—Yeas 24, nays 6.

The yeas and nays being required thereon by Messrs. Wickliff and Hughes, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. J. Allen, Barrett, Beauchamp, Carneal, Davidson, Dawson, Denny, Dudley, Ewing, Faulkner, Forsythe, Howard, Hughes, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Smith, J. Ward, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. H. Allen, Ballinger, Beaty, Daniel, Stephens and Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

A bill to alter the line between Spencer and Bullitt counties, was, on motion, referred to a select committee of Messrs. Crutcher, White and Wickliff, for amendment.

A bill from the House of Representatives, entitled "an act to establish an inspection of tobacco in the town of Portland," was read the first time and ordered to be read a second time; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Denny inform the House of Representatives thereof.

The Speaker laid before the Senate a letter from the President of the branch of the Bank of the Commonwealth located at Harrodsburg, remonstrating against the passage of a law to reduce the expences of the Bank of the Commonwealth; which was read, and for the present laid on the table.

A bill from the House of Representatives, entitled "an act to amend the law imposing a forfeiture for failing to improve lands in this Commonwealth," was taken up and read as follows, to wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of said law as imposes a forfeiture for a failure to improve lands in this Commonwealth, where there is not such adversary possession as is pointed out and described in the ninth section of "an act to revive and amend the champerty and maintenance law, and more effectually to secure *bona fide* occu-

pants of land within this Commonwealth," be, and the same is hereby repealed.

Mr. Carneal moved to lay said bill on the table until the first day of June next; and the question being taken thereon, it was decided in the affirmative—Yeas 20, nays 13.

The yeas and nays being required thereon by Messrs. Daniel and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dudley, Ewing, Forsythe, Hughes, Maccoun, Mayo, W. B. O'Bannon, Selby, Smith, Stephens, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Davidson, Dawson, Faulkner, Hickman, Howard, Muldrow, P. N. O'Bannon, J. Ward, T. Ward, White and Wickliff.

A message from the House of Representatives, by Mr. Shortridge:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to regulate and curtail the jurisdiction of the General Court," with an amendment, in which they request the concurrence of the Senate.

Which was thereupon taken up, and said amendment being twice read, was concurred in.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

A bill from the House of Representatives, entitled "an act to establish a new county out of parts of Warren, Hart and Grayson counties," was, on motion, committed to a select committee of Messrs. Worthington, Ewing and P. N. O'Bannon, for amendment.

Mr. Crutcher from the select committee to which was referred a bill to alter the line between Spencer and Bullitt counties, reported the same without amendment; and, on motion of Mr. Wickliff, said bill was laid on the table until the first day of June next.

A bill which originated in the Senate, entitled "an act to amend an act entitled an act to revive and amend the champerty and maintenance law, and the more effectually to secure the *bona fide* occupants of land within this Commonwealth, approved January 7, 1824," pending on amendments made thereto in the House of Representatives, was taken up, and sundry of said amendments concurred in; when the question was taken on agreeing to the last amendment of the House of Representatives, which proposed to add an additional section to the bill, and decided in the negative. The proposed amendment to the title of said bill was also disagreed to.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

A bill which originated in the House of Representatives, entitled "an act to dissolve the marriage of Vachel Hobbs and Amelia his wife," was read a second time, and ordered to be read a third time on to-morrow.

The following bills were read the first time, and ordered to be read a second time, to wit: 1. An act to amend and explain the penal laws; 2. an act for the benefit of Joseph Ray, William M'Dowell, William S. M'Dowell and S. I. M'Dowell; 3. an act for the benefit of Jonathan Taylor; 4. an act to change the time of holding the circuit and county courts of Meade, and the circuit court of Grayson county; 5. an act to further regulate the pay of Sheriffs for comparing the polls for Governor and Lieutenant-Governor; 6. an act for the benefit of Thomas M'ilton and John Beatty; 7. an act supplementary to an act entitled an act to incorporate the St. Joseph's College of Bardstown; 8. an act to amend the several acts in relation to opening a road from Beaver Iron-works to Prestonsburg.

A motion being made to dispense with the rule, constitutional provision and further readings of the first bill, it was decided in the negative—Yeas 20, nays 15.

The yeas and nays being required thereon by Messrs. Hickman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Ballinger, Beaty, Bowman, Crutcher, Davidson, Ewing, Faulkner, Forsythe, Hickman, Howard, Lyon, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Stephens, J. Ward, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Carneal, Daniel, Dawson, Denny, Dudley, Hughes, Maccoun, Mayo, Smith, T. Ward and Yancey.

The rule, constitutional provision and further readings of the 2d, 3d, 5th, 6th, 7th and 8th, being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Beauchamp inform the House of Representatives of the concurrence of the Senate in the second, Mr. Faulkner the third, Mr. Beaty the fifth and sixth, Mr. Wickliff the seventh, and Mr. Mayo the eighth.

The rule, constitutional provision and second reading of the 4th being dispensed with, the same was, on motion, committed to a select committee of Messrs. Crutcher, Wickliff and Worthington, for amendment.

And then the Senate adjourned.

WEDNESDAY, JANUARY 12, 1825.

The Senate assembled.

A message from the House of Representatives, by Mr. Morgan:

Mr. Speaker—The House of Representatives disagree to the amendments made by the Senate to the amendments made by the House of Representatives, to a bill from the Senate entitled "an act to amend an act entitled an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land," approved January 7th, 1824.

Mr. T. Ward, from the select committee to whom was referred the proposal of Way and Gideon, made the following report:

The committee to whom was referred the communication of Way and Gideon, upon the subject of the Journals of the first American Congress, have had the same under consideration, and have come to the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State is hereby authorized and directed to procure three copies of said Journals for the use of the Legislature, by purchase, or by exchanging books for them, that are subject to his control and disposition.

Which was adopted.

Mr. Wickliff, from the committee to whom the same had been referred, reported a bill concerning attorneys at law, without amendment; which was ordered to lie upon the table until the 1st day of August next.

Mr. Beauchamp, from the select committee to whom the same had been referred, reported a bill for the benefit of the Directors of the Bank of the Commonwealth, without amendment; and the said bill was ordered to be read a third time, and was accordingly read; and the question being taken on the passage of said bill, it was decided in the negative; so the said bill was rejected.

The Lieutenant Governor being ill, and unable to perform the duties of his office, the Senate proceeded to elect a Speaker for the occasion; whereupon Mr. Young Ewing was unanimously elected.

Mr. Faulkner, from the committee to whom the nomination of John Fletcher, as keeper of the Turnpike Gate, was committed, made a report; whereupon said nomination was, by the Senate, advised and consented to.

Ordered, That Mr. Ballinger inform the Governor thereof.

Mr. Dudley, from the joint committee of enrolments, reported that said committee had examined enrolled bills of the following titles, and had found the same truly enrolled, to wit: An act to amend an act entitled an act to regulate the town of Scottville,

and for other purposes; an act for the benefit of the heirs of Michael Glaves, deceased; an act for the benefit of the heirs of William Baker, deceased; an act for the benefit of the heirs of Andrew Snider, deceased; an act for the benefit of Henry S. Langford and others; an act to change the venue in the case of Samuel Giler; an act for the benefit of Abraham Wood and others.

The Speaker of the House of Representatives having signed the said bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature; and after a short time, report was made, that said duty was performed.

Mr. Lyon, from the committee to whom the nomination of Hamilton Atcheson, as major of the 42d regiment, was referred, made report, recommending a disagreement to said nomination, as follows, to wit:

The select committee to whom was referred the nomination of Hamilton Atcheson, as major in the 42d regiment, have had the subject under consideration, and report thereupon by resolution:

Resolved, That said nomination be disagreed to.

And the question being taken, it was

Resolved, That the Senate disagree to said nomination.

Ordered, That Mr. Lyon informed the Governor thereof.

Mr. Dudley, of the joint committee of enrolments, reported that bills of the following titles were truly enrolled: An act for the benefit of the widow and devisees of Leratte Dickerson, deceased; an act for the benefit of Rebecca Adams; an act for the divorce of Ann Hall; an act concerning the town of Danville; an act to amend an act entitled "an act to establish and regulate the town of Louisa, in the county of Lawrence;" an act to regulate and curtail the jurisdiction of the General Court.

The Speaker of the House of Representatives having signed the same, the Speaker of the Senate affixed his signature thereto, and they were delivered to the proper committee, to be laid before the Governor, for his approbation and signature; and in a short time, report was made, that the duty was performed.

Mr. Worthington, from the committee to whom was referred, a bill from the House of Representatives, entitled "an act to establish the county of Edmondson," reported the same with an amendment, changing the names of the commissioners.

And the question being taken on the adoption of said amendment, it was decided in the affirmative—Yeas 14, nays 12.

The yeas and nays being required thereon by Messrs. Worthington and Dawson, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Crutcher, Daniel, Ewing, Hickman, Howard, Lyon, Muldrow, Smith, Stephens, White, Wickliff and Worthington.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Davidson, Dawson, Faulkner, P. N. O'Bannon, W. B. O'Bannon, Selby, J. Ward and Yancey.

Whereupon said bill was ordered to be read a third time, which was done.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dawson inform the House of Representatives thereof, and request their concurrence in said amendment.

Bills from the House of Representatives of the following titles, were read the first time and ordered to be read a second time, to wit: 1. An act to authorise the sheriff of Oldham county, to collect the muster fines of that part of the 38th regiment of the militia, which now composes part of the 117th regiment; 2. an act for the benefit of the heirs of Jacob Smoker, deceased; 3. an act to provide for taking the depositions of clerks in certain cases; 4. an act to amend an act, approved December 29th, 1823, entitled "an act to amend the law in relation to the Turnpike and Wilderness road, and for other purposes; 5. an act to amend the act for surveying the military claims west of Tennessee river; 6. an act for the benefit of the heirs of George Chamblin; 7. an act to appoint additional trustees to the Somerset Academy; 8. an act to apply the net profits of the Bank of the Commonwealth, for the year 1825, in aid of the public revenue, and for other purposes; 9. an act for the benefit of Zachary Conclude; 10. an act to authorise the purchase of certain law books; 11. an act for the benefit of Betsey Justice; 12. an act for the benefit of Frances Reynolds and her five idiot sons, and Colonel R. Patterson.

And thereupon the rule of the house, constitutional provision and further readings of said bills being dispensed with.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the House of Representatives thereof.

A resolution from the House of Representatives, to cede to the United States, a site for a National Armory, was twice read and concurred in.

Ordered, That Mr. Denny inform the House of Representatives thereof.

Mr. C. H. Allen read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the citizens of the town of Frankfort, be, and they are hereby authorised to rebuild the Capitol in said town; which shall be completed by the next session of the General Assembly; which said rebuilding shall be at the expence of said citizens.

The Senate proceeded to the consideration of the amendments made by the House of Representatives, to a bill entitled "an act concerning the Greensburg Independent Bank;" and said amendments being twice read, were concurred in.

Ordered, That Mr. J. Allen inform the House of Representatives thereof.

Mr. Dudley, from the committee to whom was referred, the petition of the citizens of Frankfort, reported the following resolution, which was laid on the table for one day.

The committee to whom was referred the memorial and petition of the citizens of Frankfort, respecting the State-House and appendages, have had the same under consideration, and recommend the adoption of the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a law ought to pass, appointing commissioners to superintend the rebuilding of the State-House on the present site in the town of Frankfort; and that the sum of thousand dollars ought to be appropriated, subject to the order of said commissioners, for the purpose aforesaid.

Mr. Crutcher, from the select committee to whom the same was referred, reported a bill entitled "an act to change the time of holding the circuit and county courts of Meade, and the circuit court of Grayson county," without amendment; and the said bill having been read the third time,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

The amendment made by the House of Representatives, to a resolution to procure a portrait of General La Fayette, was concurred in.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

Mr. Dudley, from the joint committee of enrolments, reported that said committee had examined enrolled bills of the following titles, and had found the same truly enrolled: An act to alter the time of holding certain circuit and county courts in this Commonwealth; an act in addition to an act entitled "an act authorising certain county courts to appoint port wardens, and prescribing their duties," approved February 6th, 1849; an act to incorporate the Louisville and Portland Canal Company.

The following message from the Governor was read:
Gentlemen of the Senate,

I nominate for your advice and consent, Francis M'Lear, to be commissioned major of the 42d regiment of Kentucky militia, vice Leslie Combs, promoted.

JOSEPH DESHA.

January 12, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Flournoy inform the Governor thereof.

A message from the House of Representatives, by Mr. Daveiss:

Mr. Speaker—The House of Representatives have concurred in the amendments made by the Senate to a bill for the appropriation of money, and to a resolution for a final adjournment of the Legislature. They disagree to a bill to change the time of electing members of Congress.

A message from the House of Representatives, by Mr. Galloway:

Mr. Speaker—The House of Representatives have adopted a resolution for the procurement of fuel for the use of the General Assembly, hereafter.

A message from the House of Representatives, by Mr. Summers:

Mr. Speaker—The House of Representatives have passed a bill from the Senate, entitled "an act to amend an act to authorise a lottery for the purpose of draining the ponds in the town of Louisville, and adjoining thereto."

A bill from the House of Representatives, entitled "an act to amend and explain the penal laws," was read the second time.

Mr. Carneal moved to strike out the 6th and 7th sections of said bill; and the question being taken on striking out the 6th section, it was decided in the affirmative—Yeas 18, nays 12.

The yeas and nays being required thereon by Messrs. Beauchamp and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Barrett, Beauchamp, Carneal, Crutcher, Daniel, Dawson, Dudley, Forsythe, Mayo, W. B. O'Bannon, Selby, Smith, T. Ward, White and Yancey.

Those who voted in the negative, are, Messrs. Ballinger, Beatty, Davidson, Ewing, Faulkner, Lyon, Muldrow, P. N. O'Bannon, Stephens, J. Ward, Wickliff and Worthington.

And the question being taken on striking out the 7th section, it was decided in the negative; and said bill being further amended at the Clerk's table, was ordered to be read the third time, which was forthwith done, and it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

The amendment made by the House of Representatives to a bill from the Senate, entitled "an act to provide for the sale of the manufactured articles now on hand in the Penitentiary and Agent's office," was twice read and concurred in.

Ordered, That Mr. Maccoun inform the House of Representatives thereof.

A resolution from the House of Representatives, requesting the Governor to open a correspondence with the Governor of the State of Tennessee, in relation to the State road from Danville to the Tennessee line, was twice read and adopted.

Ordered, That Mr. Selby inform the House of Representatives thereof.

A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—The Governor did on this day approve and sign enrolled bills which originated in the Senate, of the following titles, viz: An act for the benefit of the widow and devisees of Lerratte Dickerson, deceased; an act to regulate and curtail the jurisdiction of the General Court; an act to amend the act entitled "an act to establish and regulate the town of Louisa in the county of Lawrence;" an act to amend an act entitled "an act to regulate the town of Scottville, and for other purposes;" an act for the benefit of the heirs of Michael Graves, deceased; an act for the benefit of William Baker, deceased; an act for the benefit of the heirs of Andrew Snider, deceased; an act for the benefit of Henry S. Langford, and others; an act to change the venue in the case of Samuel Giler; an act concerning the town of Danville; an act for the divorce of Ann Hall; an act for the benefit of Rebecca Adams.

A message from the House of Representatives, by Mr. Joyes, announced the passage of a resolution from the Senate, in relation to the decisions of the Supreme Court of the United States upon the occupying claimant laws, with an amendment, striking out all after the first resolution.

Which amendment was concurred in by the Senate.

A message from the House of Representatives, by Mr. H. O. Brown, announced the passage of a bill from the Senate, entitled "an act to alter the time of holding the county court of Nelson," and their disagreement to a bill from the Senate, entitled "an act to amend an act entitled an act to amend the law for the recovery of debts before a justice of the peace, approved February 1, 1809."

A message from the House of Representatives, by Mr. W. C. Payne, announced the concurrence of that House in amendments proposed by the Senate, to bills from that House of the following titles, to wit: An act to incorporate the Louisville and Portland Canal Company; an act to establish the county of Edmondson, and an act to amend and explain the penal laws; and the passage of bills from the Senate of the following titles: An act for the benefit of John Alexander; an act to amend an act entitled "an act concerning Kentucky land warrants which may have been lost," with an amendment to the last.

A message was received from the House of Representatives, by Mr. James M'Connell, announcing the passage of a bill from the

Senate, entitled "an act to authorize the insertion of certain advertisements in the Constitutionalist, printed in Versailles."

A message was received from the House of Representatives, by Mr. Brents, announcing the passage of a bill from the Senate, entitled "an act concerning the Greensburg Independent Bank," with an amendment.

The amendment proposed by the House of Representatives to an act concerning Kentucky land warrants which may have been lost, was then twice read and concurred in.

Ordered, That Mr. Dawson inform the House of Representatives thereof.

Mr. Dudley read and laid on the table the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That on the first Monday in February next, the President and Directors of the Bank of the Commonwealth of Kentucky, under the inspection of the Auditor and Treasurer, be directed to proceed to cancel by burning, the notes of that Bank, which have become unfit for further use.

Resolved, That the President and Directors of the Bank of Kentucky, be directed, on the first Tuesday in February next, under the inspection of the Auditor and Treasurer, to cancel by burning the paper of that Bank, which has been redeemed and become the property thereof.

Mr. Elournoy, from the select committee to which was referred, a bill for the benefit of James Rouse, reported the same without amendment, and said bill was laid on the table for the present.

Mr. Lyon offered the following resolution, to wit:

Resolved, That Littleberry Batchelor, door-keeper to the Senate, be directed to take charge of the books, papers and furniture of the Senate chamber, and preserve the same until the next meeting of the General Assembly.

Which was twice read and adopted.

The following message from the Governor, was received and read, to wit:

Gentlemen of the Senate,

Agreeably to the provisions of the constitution, and of an act of the present General Assembly, approved January 12, 1825, entitled "an act to establish the county of Edmondson," I nominate for your advice and consent, the following officers for said county, viz. Henry Dixon, James M. Blakey, John Dicus, jun. Arthur B. Wash, Richard G. Doyal, William H. Woolsey, David Stice, Martin Elmore and John M. Durbin, as justices of the peace; John Rountree, as sheriff; Robert Bryan, as coroner.

JOSEPH DESHA.

January 12, 1825.

Resolved, That the Senate do advise and consent to said nominations.

Ordered, That Mr. Ewing inform the Governor thereof, the same being duly certified.

Mr. Lyon, from the joint committee of enrolments, reported that the said committee had examined enrolled bills and resolutions of the following titles, to wit: An act to amend an act entitled "an act to authorize a lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto"; preamble and resolutions for procuring a portrait of General La Fayette; an act to alter the time of holding the county court of Nelson county; an act to authorize the insertion of certain advertisements in the *Constitutionalist*, printed at Versailles; an act for the benefit of John Alexander; an act for the benefit of the heirs of George Chamblin, deceased; an act for the benefit of the heirs of Joseph Ray, William M'Dowell and William S. M'Dowell, and Samuel I. M'Dowell; an act to amend the several acts in relation to opening a road from Beaver iron-works to Prestonsburg; an act supplementary to an act entitled "an act to incorporate the St. Joseph's College of Bardstown"; an act for the benefit of Jonathan Taylor; an act to further regulate the pay of sheriffs for comparing polls for Governor and Lieutenant-Governor; an act to authorize the sheriff of Oldham county, to collect the muster fines of that part of the 33th regiment of the militia, which now composes a part of the 117th regiment; an act to change the time of holding the circuit and county courts of Meade, and the circuit court of Grayson county; an act to amend and explain the penal laws; an act to establish the county of Edmondson; an act for the benefit of Thomas M'Jilton and John Beaty; an act for the benefit of Abraham Wood and others; an act to provide for taking the depositions of clerks in certain cases; an act for the benefit of Jacob Stucker, deceased; an act for the benefit of Zachary Conclude; an act to authorize the purchase of certain law books; an act for the benefit of Frances Reynolds and her five idiot sons, and Col. R. Patterson; an act to apply the net profits of the Bank of the Commonwealth, for the year 1825, in aid of the public revenue, and for other purposes; an act for the benefit of Betsey Justice; a resolution for ceding to Congress certain land in this State, for the site of an armory; a resolution requesting the Governor to open a correspondence with the Governor of the State of Tennessee, in relation to the road from Danville, by way of Columbia and Tompkinsville, to Murfreesborough in Tennessee; an act concerning the Greensburg Independent Bank; an act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office; an act making an appropriation of money; an act to amend an act entitled "an act to revive and amend the champerty and maintenance law, and more effectually to secure the *bona fide* occupants of land within this Commonwealth"; an act to amend an act entitled "an act concerning Kentucky land warrants which may have been lost"; a preamble and resolution instructing our Senators and requesting

our Representatives in Congress, to support the passage of a law re-organizing the Supreme Court in conformity to the propositions contained in the remonstrance of the Legislature of this State, adopted at the last session; and that the same were truly enrolled.

The Speaker of the House of Representatives having signed the same, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the proper committee, to be laid before the Governor, for his approbation and signature; and after a short time, Mr. Lyon reported that they had performed that duty.

The following message from the Governor was received and read, to wit:

Gentlemen of the Senate,

Pursuant to the provisions of an act of the present General Assembly, approved January 12, 1825, entitled "an act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office," I nominate for your advice and consent, William Holeman, Esq. to be commissioned Agent under the said act.

JOSEPH DESHA.

January 12, 1825.

Resolved unanimously, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Dudley inform the Governor thereof, the same being duly certified.

A bill from the House of Representatives, entitled "an act to dissolve the marriage of Vachel Hobbs and Amelia, his wife, was read the third time; and the question being taken on the passage of said bill, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. Wickliff inform the House of Representatives thereof.

A bill concerning occupying claimants to land, was taken up. The House of Representatives having insisted on their amendment to the title and 14th section, it was moved that the Senate insist upon their disagreement to said amendments; and the question being taken thereon, it was decided in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by Messrs. Beauchamp and Hughes, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beauchamp, Carneal, Daniel, Dawson, Dudley, Ewing, Forsythe, Hickman, Lyon, P. N. O'Bannon, Smith, T. Ward, White, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Hughes, Mayo, Muldrow, W. B. O'Bannon, Selby, Stephens, J. Ward and Wickliff.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. B. Hardin:

Mr. Speaker—The House of Representatives have appointed a committee of conference in relation to the disagreement of the Senate to certain amendments of the House of Representatives, to a bill concerning occupying claimants to land.

Whereupon, the Senate appointed a committee of Messrs Carneal, C. H. Allen, J. Allen and T. Ward on their part; and after some time, Mr. Ward, from said committee, reported that the committee had made sundry amendments, which were read.

Mr. Daniel moved to lay said amendments on the table for the present; and the question being taken thereon, it was decided in the negative—Yeas 8, nays 23.

The yeas and nays being required thereon by Messrs. Daniel and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Daniel, Davidson, Denny, Faulkner, Howard, Selby and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Ballinger, Barrett, Beaty, Beauchamp, Carneal, Crutcher, Dudley, Ewing, Forsythe, Hickman, Hughes, Maccoun, Mayo, Muldrow, W. B. O'Bannon, Smith, Stephens, J. Ward, T. Ward, White and Yancey.

The question being taken on concurring in the amendments proposed by the joint committee of conference, it was decided in the affirmative.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. B. Hardin:

Mr. Speaker—The House of Representatives concur in the amendments proposed by the joint committee of conference, to a bill concerning occupying claimants to lands.

A bill from the House of Representatives entitled "an act for the appropriation of money," was read the first and ordered to be read a second time, and the second reading being dispensed with, it was committed to a committee of the whole on the state of the Commonwealth.

The Senate forthwith resolved itself into a committee of the whole, Mr. Howard in the chair; and after some time, Mr. Speaker having resumed the chair, Mr. Howard reported that the committee of the whole had made sundry amendments.

Which were severally read and concurred in.

Mr. Dudley offered the following amendment:

Be it further enacted, That the sum of two thousand dollars, be, and the same is hereby appropriated and made subject to the order of Daniel Weisiger, Peter Dudley and Evan Evans, to be by them applied to securing the walls of the State-House, by raising a roof over the same.

And the question being taken thereon, it was decided in the negative—Yeas 12, nays 17.

The yeas and nays being required thereon by Messrs. Dudley and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, Barrett, Carneal, Daniel, Denny, Dudley, Ewing, Lyon, Muldrow, W. B. O'Bannon, T. Ward and White.

Those who voted in the negative, are, Messrs. C. Allan, J. Allen, Ballinger, Beauchamp, Davidson, Faulkner, Flournoy, Forsythe, Hickman, Howard, Maccoun, Mayo, P. N. O'Bannon, Smith, Stephens, Wickliff and Yancey.

Ordered, That said bill be read a third time, which being done,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Howard offered a protest of the minority of the Senate, against the proceedings of the present General Assembly, in the passage of an act to repeal the law organizing the Court of Appeals, and to reorganize a Court of Appeals; and the question being taken on receiving and spreading said protest on the Journal, it was decided in the affirmative—Yeas 29, nays 2.

The yeas and nays being required thereon by Messrs. Beauchamp and Smith, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, C. H. Allen, J. Allen, Ballinger, Beaty, Carneal, Daniel, Davidson, Denny, Dudley, Ewing, Faulkner, Flournoy, Forsythe, Hickman, Howard, Maccoun, Mayo, Muldrow, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith, Stephens, J. Ward, T. Ward, White, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. Beauchamp and Hughes.

Ordered, That the further orders of the day be laid on the table.

Mr. Lyon, from the joint committee of enrolments, reported that said committee had laid before the Governor, all the bills and resolutions signed by the Speakers of both Houses on this day.

Mr. Denny, from the majority, moved a re-consideration of the vote receiving and spreading on the Journal, the protest offered this day by Mr. Howard; and the question being taken on re-considering said vote, it was decided in the affirmative—Yeas 16, nays 11.

The yeas and nays being required thereon by Messrs. Howard and Hickman, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Denny, Dudley, Ewing, Forsythe, Lyon, Maccoun, Mayo, W. B. O'Bannon, Selby, Smith and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Hickman, Howard, Stephens, J. Ward, White and Wickliff.

The question then recurred on receiving and spreading the same upon the Journal, when a division of the question being called for, the question was taken on receiving the same, and decided in the negative—Yeas 11, nays 17.

The yeas and nays being required thereon by Messrs. Howard and Beauchamp, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Hickman, Howard, Stephens, J. Ward, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Denny, Dudley, Ewing, Forsythe, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Selby, Smith and Yancey.

Mr. C. Allan offered the following resolution, to wit:

Resolved, That the within protest be spread on the Journals of the Senate.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 9, nays 17.

The yeas and nays being required thereon by Messrs. C. Allan and Howard, were as follows to wit:

Those who voted in the affirmative, are, Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Hickman, Howard, White and Wickliff.

Those who voted in the negative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beauchamp, Daniel, Denny, Dudley, Ewing, Forsythe, Hughes, Lyon, Maccoun, Mayo, P. N. O'Bannon, W. B. O'Bannon, Smith and Yancey.

A message from the House of Representatives by Mr. Daviess:

Mr. Speaker—The House of Representatives have closed their legislative business, and are now ready to adjourn.

A similar message was sent to the House of Representatives and the Governor.

A message from the Governor, by Mr. Loughborough, assistant Secretary:

Mr. Speaker—The Governor did, on this day, approve and sign the following enrolled bills which originated in the Senate, viz: An act for the benefit of Abraham Wood and others; an act to authorize the insertion of certain advisements in the Constitutionalist, printed in Versailles; an act for the benefit of John Alexander; an act to alter the time of holding the county court of Nelson; an act to amend an act entitled "an act to authorize a lottery for the purpose of draining the ponds in the town of Louisville, or adjoining thereto"; an act to provide for the sale of all the manufactured articles now on hand in the Penitentiary and Agent's office; an act concerning the Greensburg Independent Bank; an act to amend an act entitled "an act concerning Kentucky land warrants which may have been lost"; a preamble and resolution for procuring a portrait of General La Fayette; a preamble and resolution instructing our Senators and requesting our Representatives in Congress, to support the passage of a law re-organizing the Supreme Court, in conformity to the propositions contained in the remonstrance of the Legislature of this State, adopted at the late session; an act to amend the act entitled "an act to revive and amend the champerty and maintenance law, and more effectually to secure the bona fide occupants of land within this Commonwealth," approved January 7, 1824.

Ordered, That Mr. Lyon inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Joyes:

Mr. Speaker—The House of Representatives have received official information, that the Governor has approved and signed all the bills laid before him.

Mr. Lyon reported that the joint committee of enrollments had laid before the Governor for his approbation and signature, all the bills and resolutions signed by the Speakers of both Houses on this day.

Ordered, That the joint committee raised to examine the Treasurer's office, be discharged from the further consideration of the subject.

The Senate then, after receiving an affectionate valedictory address from the Lieutenant-Governor, was adjourned without day.

Mr. Ewing having been called to the chair, Mr. Crutcher offered the following resolution, which was read and *unanimously* adopted:

Resolved, That the thanks of this House are due to the honorable Lieutenant-Governor and Speaker of the Senate, for his able, dignified and impartial discharge of the duties of the Chair.